

**MINUTES
CITY OF EDINA, MINNESOTA
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
SEPTEMBER 28, 2011
7:00 P.M.**

I. CALL TO ORDER

Chair Grabel called the meeting of the Edina Planning Commission to order at 7:00 PM.

II. ROLL CALL

Answering the roll call were Commissioners Platteter, Potts, Carpenter, Forrest, Rock, Grabel

Absent from the roll call were Commissioners Schroeder, Fischer, Staunton, Scherer, Cherkassky

III. APPROVAL OF MEETING AGENDA

Commissioner Platteter moved approval of the September 28, 2011, meeting agenda. Commissioner Carpenter seconded the motion. All voted aye; motion carried. *Meeting Agenda was approved as submitted.*

IV. APPROVAL OF CONSENT ITEMS

Commissioner Potts moved approval of the September 14, 2011, meeting minutes. Commissioner Forrest seconded the motion. All voted aye; motion carried.

V. COMMUNITY COMMENT

None.

VI. PUBLIC HEARING

**B-11-08 Front Yard Setback Variance
 Scott Busyn/Great Neighborhood Homes
 5413 Doncaster Way, Edina, MN.**

Planner Presentation

Planner Aaker informed the Commission property owner Scott Busyn is requesting a front yard setback variance to build a two story home with a footprint of 2,473.4 square feet on property located at 5413 Doncaster Way. The property backs up to Highlands Elementary School and is currently occupied by a rambler with an attached two car garage. The ordinance indicates that the setback from the street is determined by averaging the front yard setbacks of the adjacent homes located at 6409 Doncaster Way at 58.1feet and 5417 Doncaster Way at 29 feet. The required average front yard setback for the subject property is 43.5 feet. The existing home provides a front yard setback of 28.7 feet. The new home would be built with a front yard setback of 29.2 feet. The new home would be slightly farther back from the front lot line than the existing home. The proposed home was designed to conform to all of the zoning ordinance requirements with the exception of the setback required along Doncaster Way. The new home would improve upon the setback of the existing home.

Aaker explained that the subject property is 16,791.7 square feet in area. The existing home was built in 1954 and pre-dates the current front yard setback requirements and is closer to Doncaster Way than the proposed house will be. Many of the homes along Doncaster Way including the subject home were built years before the current minimum front yard setback standard was established.

Aaker noted that the proposed home is a two story with an attached 3 stall garage. The proposed first floor elevation of the home will be 912.5 which will be two feet lower than the existing home that has a first floor elevation of 914.5. The finish materials include shake siding with hardi-panel and trim.

Planner Aaker concluded that staff recommends approval based on the following findings:

- 1) With the exception of the variance requested, the proposal would meet the required standards and ordinances for the R-1, Single Dwelling Unit District.
- 2) The proposal would meet the required standards for a variance, because:
 - a. The proposed use of the property is reasonable; as it is consistent with surrounding properties and matches the nonconforming setback that has historically been provided by the existing home.
 - b. The imposed setback limits design opportunities by forcing the home more towards the back of the lot. A conforming new home would locate the front of the house half way behind the front wall of the home to the south, ultimately affecting 5417 Doncaster's front yard setback average.
 - c. The intent of the ordinance is to maintain an even and consistent streetscape given surrounding property improvements. The proposed home location will be consistent with the location of the existing home on the property.

- 3) The unique circumstances are the original placement of the homes built along the block.

Approval of the variance is also subject to the following conditions:

- 1) Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
 - Survey date stamped: August 31, 2011
 - Building plans and elevations date stamped, August 17, 2011.

Appearing for the Applicant

Scott Busyn, applicant

Applicant Presentation

Mr. Busyn told the Commission he held a neighborhood meeting and presented his plans for the new house. Busyn reported the neighbors that attended the meeting indicated their support for the new house; however, one neighbor, the neighbor to the south, asked him if the new house could be situated closer to the street. Moving the house forward would help to retain their views. Busyn said he agreed with the request from the neighbor to the south and revised his original plans to accommodate the request.

Public Comment

George Watson, 5417 Doncaster Way addressed the Commission and explained he was the neighbor to the south who requested that Mr. Busyn move the new house closer to the street so his views would not be comprised. Mr. Watson thanked Mr. Busyn for this change. Concluding Mr. Watson mentioned that the new house would be taller than his house.

A discussion ensued with Commissioners in agreement that the new house will be a two-story house; not a one story house as was the original. The Commission acknowledged that the new house would be a change; however noted that all setbacks except for the front yard setback meet Code and pointing out that the subject lot was rather shallow

Motion

Commissioner Carpenter moved variance approval based on staff findings and noting that the subject lot was shallow. Approval was also subject to staff conditions. Commissioner Potts seconded the motion. All voted aye; motion

carried.

2011.0009.11a

**Conditional Use Permit for Classroom Addition
Wold Architects/Edina Public Schools
4725 South View Lane, Edina, MN**

Planner Presentation

Planner Aaker told the Commission the Edina Public Schools are proposing to build a 5,600 square foot, two-story addition to the South View Middle School located at 4725 Southview Lane. The addition would include a new kitchen for the cafeteria and various classroom space. The building addition would be setback 117 feet from the front property line along Concord Avenue, to match the existing setback of the school. A Conditional Use Permit is required for the expansion to the school. Aaker explained that the existing 28 acre site contains South View Middle School; the Edina Community Center; athletic facilities for Edina Schools including tennis courts, baseball and softball field a football/soccer field with a track; and three large parking fields.

Planner Aaker concluded that staff recommends that the City Council approve the Conditional Use Permit to build an addition to the South View Middle School at 4725 South View Lane for Edina Public Schools.

Approval is based on the following findings:

1. The proposal meets the Conditional Use Permit conditions per Section 850.04 Subd. 4. E, of the Edina Zoning Ordinance.
2. The proposal meets all applicable Zoning Ordinance requirements.
3. The addition addresses building space needs at the school.

Approval is also subject to the following conditions:

1. If necessary, approval of the site work from the Minnehaha Creek Watershed District. Plans may be revised per conditions of the Watershed District.
2. A building permit must be obtained within two years of City Council approval.

Appearing for the Applicant

Barbara Nash

Applicant Presentation

Ms. Nash addressed the Commission and explained that the school district desires to

enhance student learning by building additional classroom space and cafeteria area. Nash said this request is immediate; however the district continues to study the schools long term needs.

Discussion/Comments

Chair Grabiell commented that it appears to him that the proposed addition squares off a corner of the existing building. Ms. Nash agreed.

Planner Aaker presented to the Commission the proposed materials board for the addition.

Public Comment

Chair Grabiell asked if anyone from the public would like to speak to this issue; being none Grabiell asked for a motion to close the public hearing.

Commissioner Carpenter moved to close the public hearing. Commissioner Potts seconded the motion. All voted aye. Public hearing closed.

Motion

Commissioner Carpenter commented that in his opinion the plan is reasonable.

Commissioner Carpenter moved Conditional Use Permit approval based on staff findings and subject to staff conditions. Commissioner Forrest seconded the motion. All voted aye; motion carried.

Commissioner Platteter said his daughter attends South View and additional space was needed.

VII. REPORTS/RECOMMENDATIONS

Sketch Plan Review/JMS for Bishops Walk – Indianola Avenue, Edina, MN.

Planner Presentation

Planner Aaker informed the Commission that they are asked to consider a sketch plan proposal by JMS Homes to redevelop the properties at 5020 and 5024 Indianola Avenue and properties owned by Edina Covenant Church at 5016 Indianola. The proposal is to develop the properties in two phases.

Planner Aaker explained that the first phase would be to tear down the existing single-family homes at 5020 and 5024 Indianola, and build six (6) detached homes over a four lot, 26,730 square foot area. The new homes would stretch from Indianola to Jay Place. There would be underground parking for each of the units, with access from Indianola

Avenue. Aaker asked the Commission to recall that they reviewed a similar plan back in June of 2011 for seven (7) detached homes.

Planner Aaker reported that the second phase of development would be the church property, where eleven (11) detached homes are proposed. Access would again be off of Indianola. Overall the proposed density would be 11 units per acre, which would require a Comprehensive Plan Amendment from LDR, Low Density Residential to MDR, Medium Density Residential. Additionally, a rezoning of these sites from R-1, Single Dwelling Unit District to PRD, Planned Residential District would be required.

Staff has the following concerns with the proposed project:

- The proposed phasing & site plan. The phasing of the project would propose six units to be built where the seven units were previously proposed. It is essentially the same proposal that was not supported by the City Council last June. If the Church property is available for redevelopment, it would seem that the density of the development should occur close to 50th street, and the area that is proposed for the first six units, should be used as a landscape buffer area between the medium density use and the low density use to the south.
- Lack of surface parking. As proposed, the only available on-site parking spaces would be the two spaces underground. Visitor parking would have to occur on Indianola. It would be appropriate to provide on-site visitor parking within the site, and not rely on Indianola.
- Density and the number of variances requested. It appears the density is too much for the site given the number of variances required, and the lack of on-site parking.:

Planner Aaker noted that the following concerns were raised by the Commission that have not been addressed:

1. Lack of area to control drainage. Concern was raised in regard to building coverage and drainage. This plan has more building coverage than the first plan.
2. Lack of individual storage space including bikes.
3. Garage entrance coming off Indianola. A suggestion was made to come off Jay Place.
4. Lack of depth and separation of uses. Setbacks remain the same to the single family homes to the south.
5. Concern over the increase in density. The density has not been reduced. The first plan proposed 11 units per acres. This plan proposes 11 units per acre.

Planner Aaker concluded that if this type of development is desirable for the City of Edina, it would be appropriate to have the ability to rezone to a PUD, Planned Unit Development. Currently PUD zoning is not available in the R-1 District. By utilizing PUD zoning, the City would have greater authority to regulate development, such as requiring

affordable housing, sustainable building, and a more walkable development. Conditions required in a PUD are much easier to enforce than conditions placed on standard rezoning projects. As with any rezoning, the authority to rezone would still rest with the City Council. Staff would recommend that the Planning Commission and City Council rethink the prohibition on allowing PUD rezoning in the R-1 Zoning District.

Chair Grabiell addressed the Commission and public and briefly explained to them the recently adopted Sketch Plan Review process. Grabiell explained the intent of a sketch plan review was to allow an applicant the ability to appear before the Commission/Council with an idea to gauge if their development idea "has legs". This process saves the applicant money because the plans submitted are "sketches", minimal in detail and not set in stone. Grabiell noted that the Planning Commission reviewed a similar sketch plan for Bishops Walk adding he never thought the Commission would have serial sketch plan reviews. Grabiell cautioned everyone not to read into what they have to say. Concluding Grabiell acknowledged receipt of materials from neighbors; adding that in his opinion there would be no public discussion on the submitted sketch plan. Expanding on his comment Grabiell said he would feel uncomfortable listening to input from neighbors without notification.

Applicant Presentation

Jeff Schoenwetter addressed the Commission and informed them he just returned from a workshop on "pocket neighborhoods" that he found very exciting. Schoenwetter said that "Bishops Walk" is an example of a "pocket neighborhood" and in his opinion prohibiting a PUD classification in an R-1 zoning district was unfortunate for Edina. Schoenwetter acknowledged there are neighbors that don't support this proposal; however, he wants to know if Edina has an appetite for this type of housing. He added if Phase I was approved for rezoning he would proceed with developing Phase II; if both Phase I & II are successful he would proceed with a Phase III.

Continuing, Schoenwetter delivered a power point presentation outlining the changes between submittals, noting the unit count for Phase I was reduced from 7-units to 6-units and all units continue to be detached. Schoenwetter said if Phase I was well received the unit count of Phase II would be higher. Schoenwetter stated he believes this type of housing was transitional and incorporates the best of urban living. Pocket Neighborhoods can be considered a community within a community. Concluding, Schoenwetter reported there was unprecedented pre-sale interest for this type of community and it's something the market wants.

Discussion/Comments

Commissioner Carpenter asked Mr. Schoenwetter if he had purchase agreements for Phase II & III. Schoenwetter responded that he had an understanding.

A brief discussion ensued on who "controls" Phase II & III properties. Schoenwetter responded that Phase I was settled and Phase II had no "date certain". Schoenwetter

added that at this time he would rather not have his Company's business transactions become part of this evening's public record.

Commissioner Rock inquired where the courtyard(s) would be located. Commissioner Forrest said she thought that having common spaces was a large part of the pocket neighborhood concept. Schoenwetter agreed and pointed out in "pocket neighborhood" developments there are a number of different "common spaces" other than the traditional courtyard. Schoenwetter noted rear and side yards could also be designed as green space and houses could have front porches with walkways. Schoenwetter said the development of common area would depend on the final architecture of the project.

Commissioner Potts said that while he had no comments he likes the idea of pocket neighborhoods and he believes that the proposed location is good; however, he said he wasn't convinced that Phase I could be "pulled off". Potts reiterated he supports the concept of a pocket neighborhood but can't see Phase I in execution.

Commissioner Forrest also stated she likes the concept of pocket neighborhoods, however doesn't believe this is the best location for a pocket neighborhood. Forrest acknowledged Schoenwetter's comment on transition and that this development could be viewed as transitional but pointed out this area already transitions from the commercial shops along 50th/France, to condo buildings and a sprinkle of doubles to single family along West 50th Street. Continuing, Forrest also indicated she was uncomfortable with amending the Comprehensive Guide Plan and that this "type" of residential neighborhood concept hadn't been studied enough.

Chair Grabiell informed the Commission he also attended the workshop on pocket neighborhoods, reiterating he likes the idea of this type of development. Grabiell said that smaller quality homes probably do meet a market niche. Grabiell said if anyone was interested in learning more about this type of housing concept they can visit the website at www.pocket-neighborhoods.net. Continuing, Grabiell commented that in his opinion to make this concept work Mr. Schoenwetter would need to develop at minimum Phase II & III after Phase I. Grabiell said without those other phases Phase I would become a concern. Grabiell said at the workshop he viewed examples of pocket neighborhoods that worked and some that didn't. Concluding, Grabiell said that in his opinion this concept was worthy of continued discussion and the City needs to be responsive to changes/trends in the market; however, one needs to be mindful that any development if permitted is done the right way and in the right location.

The discussion continued with Commissioners expressing they liked the concept of pocket neighborhoods; however, as previously mentioned it must be done correctly and in the right place. The Commission agreed that this concept was something the City should consider.

Chair Grabiell thanked Mr. Schoenwetter for his presentation.

Zoning Ordinance Amendment – Revisions to Approved Site Plans

Planner Aaker informed the Commission the City Council had directed staff to draft an ordinance amendment to clearly define when changes may be made to an approved site plan. Aaker explained that currently the Edina ordinance wasn't clear on this. Continuing, Aaker said that the draft ordinance would permit City staff the ability to approve minor changes. Changes which affect the overall design of the property shall be reviewed and processed by the Commission and Council in the same manner as they reviewed and processed them.

Commissioner Carpenter said with respect to administratively approved changes to a site plan up to a 5% increase or a total of 10,000 square feet (similar to Bloomington) the 5% should be clearly identified. Carpenter said he doesn't want an applicant to become serial and come in for an original 5%, and at another time come in for another 5%, and so on. Carpenter said in his opinion there should only be "one bite off the apple".

Chair Grabiell questioned if reduction in size needs review. Grabiell added that Carpenters comment on serial changes was a good one and agrees that administratively or otherwise one time should be it.

Commissioner Platteter said in his opinion the changes make sense.

The discussion ensued and Commissioners requested that Planner Teague revisit the proposed amendment and focus particularly on the impact of decreases, notification of changes (yes-no), and the 10,000 square foot allowance (seems too much).

Zoning Ordinance Amendment – Real Estate Sign Ordinance

Planner Aaker noted that recently the City received a complaint in regard to the size of real estate signs in the R-1 and R-2 zoning districts. Aaker clarified that at this time the City of Edina sign ordinance allows a traditional "for-sale" sign of six square feet. However, over time it has become standard real estate practice to add signs to the original sign, including open house information, web site information and real estate agent names. Aaker said the City has researched "for-sale" signs and found the industry standard had changed and the intent of the proposed ordinance amendment was to respond to this change. Real estate signs are now commonly larger than the six square feet presently allowed per ordinance.

Commissioner Potts said he agrees, adding that most real estate signs he sees had "ad-ons" and he can support the amendment as proposed.

Commissioner Platteter said he wasn't a fan of this amendment, adding that it's only his opinion that real estate signs are large enough. Commissioner Forrest stated she agrees with Platteter, adding just because industry standards change that doesn't mean the Sign Code needs to change.

Commissioner Carpenter said that staff's research confirmed that industry standards had changed due to a number of things (web) and if the ordinance wasn't amended to recognize this change Edina would have a lot of non-conforming real estate signs. Continuing, Carpenter said he is in favor of the proposed amendment, adding if amended the ordinance would match what is occurring in the industry. Carpenter said he wasn't in the real estate business and can't comment on what the realty business believes was the appropriate size for signs.

Commissioner Forrest stated that the City shouldn't have to meet industry standards.

Commissioner Potts pointed out if the ordinance wasn't changed this could become an enforcement issue. Planner Aaker agreed; she stated that the industry standard has changed and enforcement would be difficult.

Commissioner Grabiell said he supports the amendment as proposed.

Commissioner Rock questioned what would happen if the ordinance standard changes again.

Motion

Commissioner Carpenter moved to recommend adoption of the proposed amendment to Edina's Sign Ordinance No. 460. Commissioner Potts seconded the motion. Ayes; Carpenter, Potts, Grabiell. Nay; Platteter, Forrest. Motion carried.

Zoning Ordinance Amendment – Utility and Mechanical Equipment

Planner Presentation

Planner Aaker told the Commission when York Gardens was constructed the mechanical equipment became an issue. Aaker said that Edina and the majority of cities do not require mechanical equipment to meet setbacks. At this time staff would like to know if the City should require setbacks for utility equipment. Should the requirement remain as it is today, and enforce setback regulations for all utility equipment or should the City amend the zoning ordinance to exempt small utility equipment and require setbacks for large equipment.

Discussion

Commissioner Forrest questioned how the City would clarify small vs. large. Forrest also questioned if churches and schools would be exempt. Planner Aaker agreed that a clarification in size may need to be determined. Commissioner Carpenter said another thing to consider would be how to measure the size of the utility equipment.

Commissioner Forrest said in her opinion utility boxes/structures isn't attractive, adding other issues to consider would be screening and noise. Commissioner Platteter added clarification needs to be made on what requires screening and what doesn't. Would that be made by equipment size?

A discussion ensued with Commissioners in agreement that more study needs to be done on the proposed amendment. Size, setback, exempt/non-exempt, noise all need to be addressed including the issue of screening.

Chair Grabiell asked Planner Aaker to have Planner Teague take another look at this. Grabiell commented that amending the ordinance in this instance wasn't as easy as it appeared at first glance.

VIII. CORRESPONDENCE AND PETITIONS

Chair Grabiell acknowledged receipt of Council Connection.

IX. CHAIR AND COMMISSION MEMBER COMMENTS

Commissioner Forrest said that a committee was formed to study transportation issues for Edina's seniors.

Chair Grabiell reminded everyone if they were interested in the pocket neighborhood concept to visit the website at www.pocket-neighborhood.net

X. STAFF COMMENTS

None.

XI. ADJOURNMENT

Commissioner Potts moved adjournment at 9:10 PM. Commissioner Platteter seconded the motion. All voted aye; motion carried.

Jackie Hoogenakker
Respectfully submitted