

**MINUTES  
CITY OF EDINA, MINNESOTA  
PLANNING COMMISSION  
CITY COUNCIL CHAMBERS  
January 11, 2012  
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 Scherer, Forrest, Schroeder, Rock Potts, Platteter, Cherkassky, Carpenter, Staunton, Fischer, Grabel.

**III. APPROVAL OF MEETING AGENDA**

Meeting Agenda was approved as submitted.

**IV. APPROVAL OF CONSENT ITEMS**

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

**V. COMMUNITY COMMENT**

No comment.

**VI. PUBLIC HEARINGS**

**B-11-14      Variance  
                 William and Denise Denison  
                 5805 Johnson Drive, Edina, MN**

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**A 2 foot side yard setback variance to allow a 3 foot side yard setback and a 5.7 foot rear yard setback variance to allow a 19.3 foot rear yard setback to expand the existing garage width and depth for property located at 5805 Johnson Drive for William and Denise Denison.**

**Planner Presentation**

Planner Aaker informed the commission the subject property, is located on the east side

of Johnson Drive and south of Grove Street consisting of a one and one half story home with an attached garage. The home was built in 1941 and has had few improvements made to it over the years

Planner Aaker explained that the applicant is proposing to add onto the existing home to include a family room, master bedroom, laundry with an office above on the south side of the home and a garage expansion to the north side of the home. All of the improvements conform to the ordinance requirements with the exception of the garage addition towards the north and east lot lines.

Planner Aaker said the garage is proposed to be located 3 feet from the north side lot line and 19.3 feet from the easterly rear lot line. The zoning ordinance requires a minimum 5 foot side yard setback and a 25 foot rear yard setback for an attached garage. The homeowner would like to expand the existing narrow garage width from 19.6 feet to 21.6 feet and add 10 feet onto the depth of the garage for additional storage and shop area.

Planner Aaker noted that the home was built much farther back on the lot than neighboring homes leaving a shallow rear yard for expansion. The homes on either side of the subject home are closer to the front lot line and were not setback as deep from the front lot line. It should be noted that the garage on the subject home is even farther back and deeper into the rear yard than the main portion of the house. The house was also built much closer to the north lot line leaving no opportunity to expand garage width without the benefit of a variance. The original placement of the house and garage, (farther back on the lot and closer to the north lot line), make planning a garage expansion difficult for the property.

Planner Aaker concluded that staff recommends that the Planning Commission approve the variances based on the following findings:

- 1) With the exception of the variances 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 a minimal encroachment into the side and rear yard as is needed for the addition.
  - b. The practical difficulties in adding onto the home are as a result of the original house placement closer to the north lot line and nearer to the back/easterly lot line and given the existing floor plan.

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: December 8, 2011.

Building plans/ elevations date stamped: December 8, 2011.

### **Appearing for the Applicant**

William and Denise Denison

### **Discussion**

Commissioner Forrest asked Planner Aaker if Code stipulates a minimum two stall garage door width. Planner Aaker responded that to the best of her knowledge Code does not establish a minimum garage door width; however, Planner Aaker stated she rarely sees double garage stall widths less than 20-feet.

Chair Grabiell questioned if the existing shed was non-conforming. Planner Aaker responded in the affirmative.

### **Applicant Comments**

Mr. Denison said the reason the garage was designed as submitted was because a small alcove was built over a well and building foundation. The plans as submitted don't disturb the well and building foundation.

Chair Grabiell asked if anyone was present to speak to the issue; being none; Commissioner Platteter moved to close the public hearing. Commissioner Carpenter seconded the motion. All voted aye; motion carried.

### **Discussion**

A discussion ensued on if the proposed changes were self-created. The majority of the Commissioners indicated they could support the variance and didn't feel the circumstances were self-created.

### **Motion**

**Commissioner Carpenter moved variance approval based on staff findings and subject to staff conditions. Commissioner Potts seconded the motion. Ayes; Scherer, Schroeder, Potts, Platteter, Carpenter, Staunton, Fischer, Grabiell. Nays Forrest. Motion carried 8-1.**

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2011.0004.11b

**Final Site Plan  
Children's Design Group/Primrose School of Edina  
7401 Metro Boulevard**

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## **Planner Presentation**

Planner Teague told the Commission Children's Design Group is requesting a Site Plan review to develop the recently created lot at 7401 Metro Boulevard with a Primrose Day Care Center. During the final platting of this property in September of 2011, this same building was contemplated for construction on the site.

Planner Teague explained that access to the site would be off Metro Boulevard. No new curb cut would be created. Parking for the site would be provided from the lot to the south through a shared parking arrangement. The outdoor play area would be enclosed for security, with an ornamental six-foot black picket fence. The building would be built of stone and hardie plank lap siding with wood finish. The roof would be made of architectural asphalt shingles. The applicant will have a materials board to present to the Planning Commission the night of the public hearing.

Parking and traffic studies were done to review impacts that the proposed development would have on the site and surrounding roadways.

Planner Teague concluded that staff recommends that the City Council approve the Site Plan at 7401 Metro Boulevard for the Primrose Day Care based on the following findings:

1. The proposal would meet the required standards and ordinances for a Site Plan.
2. Spack Consulting conducted a traffic impact and parking study, and concluded that the existing roadway system could support the proposed project, and there would be more than enough parking.

Approval of the Site Plan 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:
  - Site plan date stamped November 28, 2011.
  - Grading plan date stamped November 28, 2011.
  - Landscaping plans date stamped November 28, 2011 and January 5, 2012.
  - Building elevations date stamped November 28, 2011 and January 6, 2012.
  - Building materials board including colors as presented at the Planning Commission and City Council meeting.

2. Prior the issuance of a building permit, a final landscape plan must be submitted, subject to staff approval. Additionally, a performance bond, letter-of-credit, or cash deposit must be submitted for one and one-half times the cost amount for completing the required landscaping, screening, or erosion control measures.
3. Before issuance of a building permit, a shared parking arrangement with the southern lot must be executed.
4. The property owner is responsible for replacing any required landscaping that dies.
5. Submit a copy of the Nine Mile Creek Watershed District permit. The City may require revisions to the approved plans to meet the district's requirements.
6. A construction management plan will be required for the construction of the new building.
7. Compliance with the conditions required by the city engineer in his memo dated January 5, 2012.

### **Appearing for the Applicant**

Mike Brandt, MFRA

### **Discussion**

Commissioner Platteter referred to the shared parking agreement and asked where additional parking would be found if needed. Teague explained to gain more parking stalls the landscaping islands could be removed.

Chair Grabiell commented on the lack of setback from the property line. Teague explained that the zoning for both parcels is the same so setbacks are measured from the perimeter of the site.

### **Applicant Presentation**

Mike Brandt, MFRA said he was present to answer questions.

Chair Grabiell asked if there was anyone present that would like to speak to the issue; being none Commissioner Carpenter moved to close the public hearing. Commissioner Potts seconded the motion. All voted aye; motion carried to close public hearing.

### **Discussion**

Commissioner Carpenter said that in his opinion the layout was good and the information was complete. Carpenter said he supports the request, adding it's reasonable.

## **Motion**

**Commissioner Potts moved approval based on staff findings and subject to staff conditions. Commissioner Platteter seconded the motion.**

Mr. Brandt presented the exterior building materials board to the Commission.

**All voted aye; motion carried 9-0.**

**2011.0015.11a**

**Preliminary Plat  
Refined LLC  
6109 Oaklawn Avenue, Edina, MN**

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## **Planner Presentation**

Planner Teague informed the Commission that Refined, LLC is proposing to subdivide the property at 6109 Oaklawn Avenue into two lots. The existing home would be torn down, and two new homes built on the new lots. To accommodate the request the following is required:

1. A subdivision;
2. Lot width variances from 75 feet to 50 feet for each lot; and
3. Lot area variances from 9,000 square feet to 6,699 and 6,693 square feet.

Continuing, Teague explained that both lots would gain access off Oaklawn Avenue. Within this neighborhood, the median lot area is 6,701 square feet, median lot depth is 133 feet, and the median lot width is 50 feet. The new lots would meet the median width and depth, but would be just short of the median area.

Planner Teague concluded that staff recommends that the City Council approve the proposed two lot subdivision of 6109 Oaklawn Avenue and the lot width variances from 75 feet to 50 feet for each lot, and lot area variances from 9,000 square feet to 6,699 and 6,693 square feet. Approval is based on the following findings:

1. Except for the variances, the proposal meets the required standards and ordinance for a subdivision.
2. The subdivision would meet the neighborhood medians for lot width and depth and nearly meet the median area.
3. The proposal would restore the property back to the form of the original plat, which included two lots.
4. The proposal meets the required standards for a variance, because:

- a. There is a unique hardship to the property caused by the existing size of the property which is two times the size of every lot on the block.
- b. The requested variances are reasonable in the context of the immediate neighborhood. The existing lot is both larger and wider than most properties in the area, including nearly every lot on the block. The proposed subdivision would result in two lots more characteristic of the neighborhood.
- c. The proposed lots would be the same size as the lots were originally platted.
- d. The variances would meet the intent of the ordinance because the proposed lots are of similar size to others in the neighborhood.
- e. If the variances were denied, the applicant would be denied a use of his property, a 50-foot wide lot, which is common to the area. In addition, the applicant would be denied a subdivision with variances that has been previously approved by the City in two instances in the last two years.

Approval is also subject to the following conditions:

1. The City must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.
2. Prior to issuance of a building permit, the following items must be submitted:
  - a. Submit evidence of Minnehaha Creek Watershed District approval. The City may require revisions to the preliminary plat to meet the district's requirements.
  - b. A curb-cut permit must be obtained from the Edina engineering department.
  - c. A grading plan subject to review and approval of the city engineer.
  - d. All storm water from the proposed homes, driveways, and westerly half of the lots shall drain to Oaklawn. All sump pump drains shall drain into the existing sump pump drain tile along Oaklawn Avenue.
  - e. Any disturbance to the roadway caused by the construction of the new homes must be repaired by replacing the asphalt pavement from curb-to-curb and from saw-cut to saw-cut.
  - f. A construction management plan will be required for the construction of the new homes.
  - g. Utility hook-ups are subject to review of the city engineer

### **Appearing for the Applicant**

Andy Porter, Refined, LLC.

### **Discussion**

Commissioner Scherer asked Planner Teague if two houses were on the

lots. Planner Teague responded to the best of his knowledge it's always been one house. Commissioner Staunton asked Planner Teague if he knows when the two lots were consolidated. Teague responded he doesn't know.

### **Applicant Presentation**

Andy Porter addressed the Commission and explained that the street scape supports the two 50-foot wide lots, adding he mailed notification letters to property owners within 500-feet and held a neighborhood meeting.

### **Discussion**

Commissioner Carpenter noted that the Planning Commission received letters in support of the subdivision and letters against it. Continuing, Carpenter asked if the new houses would be "spec" or custom. Mr. Porter responded that it was his intent to have buyers and construct custom homes for each lot. Porter said he intends to keep the new homes nested into the site.

Chair Grabiell opened the public hearing.

### **Public Comment**

Trudy Landgren, 6104 Brookview Avenue spoke in opposition of the proposed subdivision.

Dan Uhrhammer, 6101 Oaklawn Avenue, adjacent neighbor spoke in opposition of the Subdivision. He expressed concern over water run-off and loss of sunlight.

Kathy McGuire, 6104 Oaklawn Avenue commented that she doesn't want to see overly large houses built on the lots.

Jackie Whitbeck, 6128 Brookview Avenue spoke in opposition to the subdivision and requested that the City consider a moratorium on subdivision/development in the City's small lot neighborhoods. Whitbeck said the large houses that are being built on these smaller lots negatively impact neighborhoods.

Janey Westin, 6136 Brookview Avenue, presented an aerial of the neighborhood and pointed out the large Oak trees found in this area; and on this lot. Westin said she doesn't want to see trees lost or damaged as a result of the proposed subdivision. Westin noted that at this time the Energy and Environment Commission was working on developing a tree ordinance. Westin said she agrees with the suggestion made by Ms. Whitbeck that the City Council considers a moratorium on subdivision/development on all residential lots under 75-feet in width.

Dick Whitbeck, 6128 Brookview Avenue, asked when the City would put its residents first.

Chair Grabiell asked if there was anyone else that would like to speak to the issue; being none Commissioner Scherer moved to close the public hearing. Commissioner Carpenter seconded the motion. All voted aye; public hearing closed.

### **Discussion**

A discussion ensued with Commissioners acknowledging that the 75-foot lot width requirement was city wide; however questioned how it's handled with regard to subdivisions. Planner Teague explained that the subdivision ordinance requires that lot width, depth and lot area be calculated for all single dwellings that fall within 500 feet of the perimeter of the property. The lots are required to meet the mean; however, these lots must still meet the minimum ordinance requirements for lot width, depth and lot to perimeter ratio. Continuing, Teague pointed out these lots do not comply with that standard therefore variances are required. Teague explained that the subdivision ordinance was drafted to ensure an orderly redevelopment of Edina's large lot neighborhoods.

The discussion continued on if it was better for the neighborhood that the lot was redeveloped as one 100-foot lot with the property owner building one very large house on the lot instead of two houses on two 50-foot wide lots. Further discussion continued on character definition and if what's there now is the neighborhood character.

Commissioner Fischer said with regard to small lot neighborhoods that the City has had the same conversation over and over again; which to him indicates that the ordinance needs to be addressed. Fischer said the key issue began when the City changed the minimum lot width requirement to 75-feet. This change was a blanket change and created consequences for those with smaller lots. Continuing, Fischer gave an example: the Zoning Board of Appeals wrestled for years with a "newer" 12-foot driveway width requirement. This change placed a majority of driveways in the City's smaller lot neighborhoods into non-compliance; therefore in certain instances variances were required. Over the years the Zoning Board heard and granted multiple driveway width variances based on hardship. In many instances it just didn't make sense to require a 12-foot wide driveway on a 40 or 50-foot lot. Fischer reported that the 12-foot driveway width was recently amended and now residents can proceed without the need for a variance.

Fischer added that in his opinion it may be time for the Commission to reevaluate the subdivision and zoning ordinances as they relate to lot width, depth and area. Fischer pointed out a "goal" of the Comprehensive Plan was to establish "character districts" and to protect the "character" of those districts. The Commission has continued to struggle with the one size fits all. Fischer reiterated that the Commission should take another look at the City's Ordinance as it relates to subdivision and redevelopment standards (setbacks) especially of the small lots.

Chair Grabiell said he recalls past subdivisions where the Commission placed specific

conditions on redevelopment. Grabiell asked Planner Teague if the Commission could place conditions of approval of the proposed subdivision. Planner Teague responded in the affirmative.

Commissioner Fischer acknowledged that in the past both the Commission and the Council supported similar subdivisions within this neighborhood and questioned if there was a difference between this request and the previous requests? Planner Teague responded that the previous subdivision requests had little to no opposition.

Commissioner Forrest acknowledged past approvals; however, pointed out that each request needs to be viewed individually and on its own merits. Commissioner Forrest said one concern she has was if approved the two new homes would be too expensive. Forrest pointed out the Comprehensive Plan indicates that the City support the creation of affordable housing, adding she doesn't believe the new houses would be considered "affordable".

Commissioner Scherer said she agrees with the comments from Commissioner Fischer that in the past the Commission has had similar discussions on the subdivision process; however, she believes it's reasonable for Edina's residents to rely on the City's ordinances. Scherer stated she agrees that future discussions need to occur but at this time she cannot support the subdivision request as presented.

Commissioner Staunton said the discussion has been good; however, at this time the application needs to be reviewed under the present ordinances. Staunton noted that at this time there is no ordinance that would prohibit trees from being cut down on this lot or any lot. Staunton said he was persuaded to support the request by viewing the map that captured the 500-foot neighborhood. He said he observed that the large majority of lots within that 500-foot neighborhood were 50-feet, adding that in his opinion the variances are justified. Continuing, Staunton said he was pleased (if approved) that according to Mr. Porter that the new houses would not be spec but custom.

Commissioner Forrest said the process still requires that specific criteria be met, adding trees can be considered during the decision making process and the Comprehensive Plan can be another tool.

Commissioner Staunton agreed that the Comprehensive Plan is a good "tool" to use during the review process. Staunton said he feels comfortable that maintaining the two 50-foot wide lots was the correct thing to do, adding it supports the continued viability and maintenance of Edina's unique "character districts".

Chair Grabiell said another goal was to maintain consistency and this subdivision supports the preservation of the 50-foot wide lot neighborhoods.

Commissioner Carpenter pointed out that property owners of 50-foot wide lots can get a demolitions permit tomorrow and tear down their existing house and build a new

house without review or comment. Carpenter said he sympathizes with the situation but believes maintaining the original plat makes sense.

Commissioner Scherer stated the job of the Commission is what's before us this evening. We can't speculate on what someone might do with their house/lot in the future.

Commissioner Forrest reiterated the Commission can place conditions on approval. Building height can be addressed and so can the trees. Forrest said it is important to ensure that any new house matches the neighborhood character.

Commissioner Staunton said this type of conversation is difficult; adding he supports the request as submitted.

### **Motion**

**Commissioner Staunton moved to recommend subdivision approval with variances based on staff findings and subject to staff conditions. Commissioner Carpenter seconded the motion. Ayes; Potts, Platteter, Carpenter, Staunton, Fischer, Grabel. Nays; Scherer, Forrest, Schroeder. Motion carried 6-3.**

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2011-0017.11a

**Lot Division  
James Zavoral  
5239 Highwood Drive  
6008 and 6000 Pine Grove Road, Edina**

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### **Planner Presentation**

Planner Teague informed the Commission Mr. James Zavoral is requesting to shift the existing lot lines that divide his property at 5239 Highwood Drive, from 6008 and 6000 Pine Grove Road.

Teague explained that there is no new lot being created with the request, it is simply a shift in the rear lot lines to sell land to the adjacent property owners. The 6000 Pine Grove Road lot would gain additional land on Mirror Lake. The 5239 Highwood Drive lot would no longer own property abutting Mirror Lake, but would retain a private easement for access to the lake. The drainage and utility easement adjacent to Mirror Lake would remain.

Planner Teague concluded that staff recommends that the City Council approve the Lot Division of 5239 Highwood Drive, 6008 Pine Grove Road and 6000 Pine Grove Road based on the following findings:

1. The existing and proposed lots meet all minimum lot size requirements.
2. The three lots involved in the lot division are larger than most lots within the neighborhood.

Approval is also subject to the following condition:

1. All building activity on either lot must comply with all minimum zoning ordinance standards.

### **Discussion**

**Commissioner Staunton moved lot division approval based on staff findings and subject to staff conditions. Commissioner Scherer seconded the motion. All voted aye; motion carried 9-0.**

### **VII. REPORTS AND RECOMMENDATIONS**

Commissioner Staunton gave a brief report on the progress of the Grandview Small Area Plan Committee. He said the next meeting will be on January 19<sup>th</sup> and will be held at the Grange Hall from 7:00-9:00 PM. All are invited to attend.

### **VIII. CORRESPONDENCE AND PETITIONS**

Chair Grabiell acknowledged receipt of the Council Connection.

### **IX. CHAIR AND COMMISSION MEMBER COMMENTS**

None

### **X. STAFF COMMENTS**

Planner Teague reported he forwarded the ordinances the Commission worked on to the City Council. Teague said he would also look into the subdivision ordinance.

### **XI. ADJOURNMENT**

**Commissioner Scherer moved adjournment at 9:15 PM. Commissioner Forrest seconded the motion. All voted aye; motion carried 9-0**

***Jackie Hoogenakker***  
**Respectfully Submitted**