

**MINUTES
CITY OF EDINA, MINNESOTA
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
JULY 11, 2012
7:00 P.M.**

I. CALL TO ORDER

Chair Grabiell called the meeting to order at 7:00 PM

II. ROLL CALL

Answering the roll call were Commissioners Scherer, Forrest, Platteter, Potts, Carpenter, Staunton and Grabiell

Absent from the roll: Fischer and Schroeder

III. APPROVAL OF MEETING AGENDA

Meeting Agenda was approved as submitted.

IV. APPROVAL OF CONSENT AGENDA

Commissioner Scherer moved approval of the June 27, 2012 meeting minutes. Commissioner Platteter seconded the motion. All voted aye; motion carried.

V. COMMUNITY COMMENT

None

VI. REPORTS AND RECOMMENDATIONS

A. Zoning Ordinance Update - discussion

Site Grading n 50-footlots

Planner Teague informed the Commission there has been discussion throughout the City on grading that's been occurring on City lots; especially for new construction. Teague said City Engineer Wayne Houle is present to explain the process the Engineering Department follows when reviewing building permit applications.

Engineer Houle addressed the Commission and informed them the Engineering Department reviews all building permit applications for grading. Houle explained that every applicant is required to submit a detailed survey, drawn to scale with other required

elevations. Houle explained a typical review of the application contains the following to ensure proper drainage and erosion control:

- Surface water maintains or reduces the same direction of flow ensuring that surface water cannot be redirected onto an adjoining private property.
- Analyze the known conditions and if these conditions can be easily remedied (if appropriate).
- Verify if a retaining wall needs to be designed by a structural engineer due to the height of the retaining wall.
- Check for easement encroachments.
- Check for new curb cuts.
- Check number and location of driveways
- Verify the sanitary sewer service invert elevations.

Engineer Houle presented copies of surveys to help Commissioners see all the details found on a survey to aid in plan review.

Commissioner Platteter asked Engineer Houle if downspouts are indicated on the survey or are they indicated somewhere else. Engineer Houle responded that downspouts and the direction of their flow are not required to be indicated on the survey; however that review (if applicable) occurs at the building department level. Platteter also questioned if neighbors are notified when a remodeling or rebuilding occurs. Houle said there is no notification requirement (except for the applicant) unless a variance was required. Platteter questioned if there should be notification pointing out everyone appears to be building a larger house than what previously existed; thereby creating more water run-off. Houle agreed, adding in Edina that appears to be the case on every lot, pointing out the majority of new construction is to the maximum.

Commissioner Staunton commented if he understands the permit process for new construction correctly that "new" water flow pathways can't be created that didn't exist before. Engineer Houle responded in the affirmative. Commissioner Staunton asked if the water continues to flow along its natural path can the rate or volume of the flow be increased. Engineer Houle acknowledged that the rate of flow does increase; adding it's very difficult to control and monitor. Houle reiterated run-off is required to continue to follow its natural path, adding rates fluctuate depending on the "size" of the rain storm and spring run-off. Houle acknowledged that creating a larger building mass also contributes to an increase in water run-off; however, he reiterated storm water run-off on residential lots is something that is extremely difficult to monitor or control, adding this has been an ongoing issue. Continuing, Houle pointed out that measures can be implemented to mitigate storm water run-off impact such as lot coverage requirements, placement of gutters/downspouts, use of pervious materials for driveways and sidewalks, rain barrels etc. Concluding, Houle stated if a house meets all code requirements a building permit is issued.

A discussion ensued on the question of notification responsibility, is it the responsibility of the applicant, the City, or the neighbor(s) when new construction occurs. It was also noted that building plans are available for viewing at City Hall.

In response to the discussion Engineer Houle said he wasn't aware of any storm water management control measures for single family lots. He noted the City and Watershed Districts require grading permits and erosion control measures; however they don't review surface water management for single family lots. Both Nine Mile and Minnehaha watershed districts only require storm water management measures to be implemented for commercial properties.

Commissioner Carpenter questioned how difficult it would be to monitor or regulate this. Engineer Houle said in his opinion it would be very difficult. Houle reiterated to mitigate water run-off issues different measures can be implemented.

Commissioner Scherer asked if there was a review process for retaining walls. Engineer Houle responded if retaining walls are indicated on a survey it is reviewed. If a retaining wall is higher than 4-feet the retaining wall is required to be designed by a structural engineer and reviewed by engineering staff. Continuing, Houle said another reason for an increase in retaining walls could be to accommodate basement ceiling height. Houle explained if a property owner wants higher ceilings they need to dig deeper.

Planner Teague informed the Commission he has been in discussions with area builders that told him that the City's current way to determine the side yard setback for building height results in builders building up the grade and potentially constructing retaining walls to achieve desired building height. Teague referred Commissioners to a handout placed before them amending the way side yard setbacks are determined. Teague said this change would require the builder to use the existing grade and not the "proposed" grade to determine building height. Teague asked Commissioners for their opinion on the handout.

A discussion ensued with Commissioners indicating that manipulating the grade along the side to achieve building height as currently done may be the reason retaining walls are popping up all over the City. Commissioners indicated it may just be easier to either include the retaining wall(s) in the calculation or measure from the existing grade, not proposed.

Planner Teague responded that is an idea; however, he expressed concern that running the calculations from averaging the existing grade may prohibit two story homes. Commissioners indicated if this were problematic in certain instances a variance could be requested. Planner Teague suggested that staff run different scenario's on measuring from the existing grade and bring those findings back to the Commission for comments. Commissioners agreed and directed staff to "run" scenario's and return with them.

Furthering the discussion Commissioner Potts questioned if the City has a code requiring outside access to the rear yard. Planner Teague responded that he doesn't believe there is an ordinance requiring rear yard access from outside the house. Engineer Houle agreed.

He said there are a number of homes in Edina that access the rear yard through the house, even on flat lots.

A discussion ensued on if the City should require outside rear yard access. It was observed that the City requires minimum side yard setbacks; however, retaining walls and egress windows could prevent easy access to rear yards. Staff noted that many of these issues are between neighbors. It was further explained that when construction erosion control fences are erected and if there is trespass; again that's between neighbors.

Commissioner Potts says he worries that most of the discussion occurs between the City and builder, not the homeowner. He wondered if communication should be "opened up" between the City and homeowner. Engineer Houle pointed out that a number of new homes "do not have an owner", adding in his experience there will always be common lot line issues.

Planner Teague said one tool City staff is working on is a Construction Management Guide Plan. Teague said at this time City Staff is reviewing implementing a plan for monitoring compliance during the construction phase. One requirement is posting a sign on the site informing neighbors of what would occur. The City could also add a line item referring neighbors to City Hall if they want to view the complete set of building plans.

Chair Grabiell suggested that if the Commission establishes a different way to regulate building height there would probably be those odd lots that would need a variance to comply. Commissioner Staunton agreed, adding topography is a classic hardship for granting a variance. Planner Teague noted that the variance process would also engage the neighbors.

Planner Teague clarified the following for future topics of discussion:

- Draft different scenario's measuring building height that would eliminate the need for retaining walls alongside property lines. (measure from existing grade, not proposed as required)
- Consider establishing setbacks for retaining walls
- Discuss requiring access to the rear yard from the outside of the house. Maybe require offsetting side yard setbacks.

Planner Teague added that for every change to the ordinance there are consequences.

Subdivision of lots less than 9,000 square feet in area and 75-feet in width

Planner Teague reminded the Commissioner they directed staff to draft an Ordinance amendment that would allow PUD rezoning as a tool to subdivide lots that are less than 9,000 square feet in area and 75 feet in width. Continuing, Teague said that recently the City Council has expressed interest in considering a uniform median lot area, lot width and

depth as the minimum lot size requirement in the R-1 district. If established the median of all lots within 500-feet becomes the minimum lot size requirement. This approach is what is currently done.

Commissioner Platteter said the last time this was discussed it did appear that PUD "may be the way to go" but now without specific guidelines the 500-foot neighborhood approach the City has been utilizing may be best and fairest.

Commissioner Carpenter agreed. He pointed out if a PUD would be developed for residential subdivisions of smaller lots he foresees residents applying for "a lot of PUD's". Carpenter said as previously mentioned by Commissioner Platteter that specific guidelines would need to be established for lots under 75-feet in width or else there would be no regulator. Carpenter stated in his opinion the 500-foot rule has value. It's across the board.

Commissioner Staunton commented if some form of guidelines need to be developed for allowing a PUD in an R-1 zoning district adding the present "500-foot rule" may be best because it establishes guidelines. Staunton suggested that if the Commission was uncomfortable with the present subdivision code using the 500-foot standard to establish neighborhood maybe in the smaller lots neighborhoods the radius could be lessened.

A discussion ensued with Commissioners agreeing that they should proceed with caution in developing a PUD for R-1 lots that require variances. It was also noted there needs to be fairness with the City's approach to this topic. It was suggested that a simple way to approach this on the PUD level may be "what's in it for the City". It was acknowledged that could be considered subjective.

Planner Teague suggested that the Commission could develop a low density PUD or something to the effect of subdivision requiring variances. That could be done in ordinance form. Continuing, Teague added that a number of City's have policies; not ordinances that regulate neighborhood character, etc. Teague told the Commission he would draft something reflecting those sentiments.

The discussion continued with Commissioners requesting that Planner Teague do an informal survey of how other City's deal with subdivisions of non-conforming lots. Commissioners suggested that staff first tackle this from a policy position not ordinance.

Building Height

Planner Teague informed the Commission there has been some concern expressed on building height for new construction especially in the small lot neighborhoods. A request has been made by builders to relax the present standard of increasing the setback 6-inches for each foot the average building height exceeds 15-feet. Teague referred to an ordinance he drafted that would amend the existing ordinance exempting the second story setback requirement if the ridge line of a house is reduced to 30-feet. Teague explained that

builders have indicated to him that this amended provision would allow more creativity for building design by giving incentives to builders to reduce the ridge line in order to achieve more square footage on the second story. This could also impact grading and retaining wall issues.

Commissioner Staunton asked the purpose of this amendment. Planner Teague further explained that the way the ordinance is now written makes it very difficult for builders to construct a colonial two story home on these smaller lots. To achieve the adequate upstairs ceiling height builders now create pitches to gain that living space; however it gives the appearance of greater roof height and building mass. Relaxing the present requirement would allow a builder to achieve more living space on the 2nd floor without pitching the roof.

Commissioner Platteter stated he likes this approach. Commissioners agreed, adding if in reality the ordinance is driving the steep pitched roof it would be good to modify the ordinance.

A discussion ensued with Commissioners wondering if there would be a "down side" to this change. The consensus was that this approach was simple and would work. Commissioners suggested letting this percolate; noting the ordinance changes to address height and mass are relatively new. It was further noted that building height and the previously mentioned grading have similar components.

Work Plan

Planner Teague said the City Council has requested that each Board and Commission create a yearly work plan. The purpose of the plans are to ensure that the priorities of the City Council and Commissions are aligned, and that the City has the appropriate financial and staff resources to support the work.

Teague said over the next few months, the Commission is asked to develop their plan for the next year. Teague suggested that the Commission think about their goals for 2013 and at the September work session with the City Council.

Commissioner Scherer said that she feels this is a good idea and suggested that the Commission "pick a few topics" and commit.

Commissioner Staunton agreed with Scherer and added that the Commission should also prioritize our goals. Staunton said he is interested in the next steps for the Grandview Development Framework and noted that he heard the City of Edina was hiring an Economic Development Director. Planner Teague informed Commissioners he sat in on the interviews for the new Economic and Development Director and that it has been narrowed down to three very good candidates. Teague said he would let the Commission know who was hired.

Commissioner Platteter said he believes a work plan is a great idea and agreed with Commissioners Staunton and Scherer that the Commission needs to prioritize our goals. Platteter suggested identifying our top five goals.

Planner Teague told the Commission that he has continually added topics to the Commissions "bucket list". Teague said the Commission could go through that list and develop our work plan using that list and add other issues we believe are pertinent.

Planner Teague also informed Commissioners that the City has submitted a grant to offset the cost of tearing down old municipal buildings. Teague said that the old public works building would be an excellent candidate for these monies.

VII. CORRESPONDENCE AND PETITIONS

Chair Grabel acknowledged back of packet materials. Chair Grabel congratulated Platteter and Forrest on their 100% attendance record.

VIII. CHAIR AND COMMISSION MEMBER COMMENTS

Chair Grabel asked Planner Teague if he would give a brief account on what's happening with "The Waters", "Southdale Apartments" and Byerly's. Commissioner Scherer also asked what was occurring with the France Avenue corridor roadway study.

Planner Teague responded that "The Waters" was almost ready to pull their building permit. He stated he believes it will be pulled next week. Continuing, Teague told the Commission that he just met with Byerly's and they informed him they have retained a housing developer. More information should be coming from them. With regard to the "Southdale Apartments" WSB is initiating the parking study. Concluding, Teague reported that an estimate on the improvements along France Avenue came back and the estimates on those improvements are many many many times over budget.

IX. STAFF COMMENTS

None

X. ADJOURNMENT

Commissioner Potts moved adjournment at 8:55 PM. Commissioner Platteter seconded the motion. All voted aye; motion carried.

Jackie Hoogenakker
Respectfully submitted