

**DRAFT MINUTES OF THE
PLANNING COMMISSION MEETING
WEDNESDAY, JUNE 30, 2004, 7:00 PM
EDINA CITY HALL COUNCIL CHAMBERS
4801 WEST 50TH STREET**

MEMBERS PRESENT:

Byron, Swenson, Lonsbury, Fischer, Workinger, Brown, Skallerud

ABSENT:

Runyan, McClelland

STAFF PRESENT:

Craig Larsen, Jackie Hoogenakker

I. OLD BUSINESS:

**Z-03-8 & S-03-8 Final Plat and Final Rezoning
Wallingford Partnership
5101 70th Street West**

Mr. Larsen reminded the Commission the proponents received preliminary approval from both the Commission and Council and have returned for final rezoning and final plat approval. Mr. Larsen told the Commission the total unit count has been reduced from 117 to 106 units. Building 1 is a rental apartment building with 74 units and Building 2 is a for-sale condominium building with 32 units.

Mr. Larsen pointed out both Commission and Council recommended preliminary approval with the condition that affordable units be added to the development. He added the proponents have agreed to add two units in the apartment complex. An affordable unit will not be added to the condominium building. This is a reduction of one unit from preliminary approval.

Mr. Larsen concluded staff recommends final rezoning and final plat approval subject to:

- Watershed district permits
- Maintenance agreement covering pond outlets
- Re-vegetation and landscaping for new ponds
- Proof of parking agreement
- Agreement to provide two (2) affordable rental units for a period of 10 years

The proponents, Mr. Vasco and Tony Bernardi were present. Mr. Todd Young, architect was also present.

Commissioner Lonsbury questioned if the landscaping plan is sufficient and responds to concerns raised by the Council, especially concerning a berm along West 70th Street which would benefit the impacted residential property owners. Mr. Larsen responded a landscaping plan has been submitted and meets the City requirements.

Mr. Todd Young of KKE Architects told the Commission the proponents paid close attention to landscaping especially the berm and landscaping area at the corner of the site. Mr. Young added a berm is not planned for the north side of the site, but in that area additional landscaping and screening is proposed.

Commissioner Swenson asked Mr. Young if he knows the spacing between the proposed buildings and West 70th Street. Mr. Young said spacing is in excess of 50 feet. Continuing, Commissioner Swenson said her concern is with the reduction in the number of “affordable” units. She stressed the proponents are requesting a change in zoning density, and at least in her opinion, it is not unreasonable to suggest that three units be affordable. Commissioner Swenson added if she remembers correctly Edinborough was subsidized. Mr. Larsen responded with regard to Edinborough that Commissioner Swenson is correct; Edinborough units are eligible for participation in a mortgage assistance program. Mr. Larsen explained Edinborough participation is the result of City and HRA involvement in Edinboroughs’ development. Mr. Larsen pointed out this project is being developed by the private sector with no City involvement except for the required approval processes, etc. so any “affordable” element is voluntary on the part of the developer.

Commissioner Swenson referred to a home acquired by the City in the Wooddale and Valley View Road area and questioned if that home could be used in a future affordable housing development. Mr. Larsen responded the East Edina Housing Foundation purchased a house on Wooddale Avenue and

acknowledged that home could be used in a redevelopment proposal with City participation reiterating the proposal presented this evening is private.

Commissioner Swenson reiterated she hates to see one affordable housing unit eliminated. She pointed out a zoning change is being requested along with a variance and in her opinion the proponents should “re-examine” the City’s request and designate three (3) affordable housing units as previously indicated.

Mr. Bernardi in response to questions about landscaping explained the landscaping plan before the Commission this evening is a result of working with staff and engineers by mitigating the ponding elements and redesigning the landscaping plan to incorporate water elements while adding more greenery to the site. He pointed out along West 70th Street a number of trees would be added to screen the apartment/condo buildings from the neighbors.

Chairman Byron asked if it fair to say the landscaping process is ongoing. Mr. Bernardi responded what is before the Commission this evening should be the final landscaping plan however, with regard to the water elements it is possible things could minimally change if it were found the site dictated change.

Commissioner Fischer commented, “going back to the affordable housing unit element” that he would like to know if there is a dollar amount difference between an “affordable” unit and a “market” unit. Mr. Bernardi said the dollar amount would be roughly \$600.00/mo or \$300.00/mo. less per unit. Commissioner Fischer stated he agrees with the comments from Commissioner Swenson reiterating in recommending approval of the rezoning and variance the City in reality is a partner with the developer and the affordable units should remain at three (3) as previously indicated by the developers.

Mr. Vasco Bernardi told the Commission two (2) affordable units will remain in the apartment complex but one (1) unit is lost because Building 2 will be constructed as a condominium which eliminates the rental aspect of the proposal thereby reducing the units by one (1).

Mr. Tony Bernardi addressed the Commission and told them Building 2 has been reduced from 36 units to 32 units which reduced the density, adding he doesn’t have the ability to designate one unit as “affordable”.

Commissioner Lonsbury asked if the City Council has actually granted final approval. Mr. Larsen responded the City Council granted preliminary rezoning and preliminary plat approval subject to conditions. Mr. Larsen pointed out the Council did not designate a specific number units as affordable; their approval was conditioned on adding affordable housing unit(s). The Bernardi’s offered three (3) but since that time a change has occurred with regard to the rental aspect of the project. Continuing, Mr. Larsen pointed out the smallest of

the buildings is now proposed as a condominium, so the amount of affordable units was decreased to reflect the change from rental to homestead and the decrease in total units of the project.

Commissioner Workinger asked Mr. Bernardi why the number of units in the “condo” building were reduced. Mr. Bernardi explained “for sale” condominiums require larger square footage. Commissioner Workinger said if he understands the reasoning correctly “if condominium units are too small, they wouldn’t sell.” Mr. T. Bernardi said that is correct. Commissioner Workinger asked Mr. Bernardi the reason behind the change from rental to “for sale” units. Mr. T. Bernardi explained he and his brother Vasco jointly own the subject property and after the fire and demolition of the previous building it was felt two buildings would be constructed, one building on each parcel, with each of us owning their own building/lot. Continuing, Mr. Bernardi said after much discussion it was felt if both buildings are rental units we would be “stealing” tenants from each other, concluding this scenario made the most sense for not only them but the City as well.

Commissioner Workinger questioned why a berm wasn’t placed along the north property line. Mr. V. Bernardi said in his opinion it was important to maintain the berm at the corner and add additional landscaping along West 70th Street. He pointed out the proposed landscaping plan includes the planting of a number of trees along West 70th Street to buffer the new buildings from the residential neighbors.

Commissioner Lonsbury commented that the size of the proposed trees along West 70th Street in his opinion are too small and wouldn’t reach maturity for a number of years.

Commissioner Fischer said in regard to the ponding area and parking lot that in his opinion it is best to maintain as much green area as possible. Mr. Larsen agreed and pointed out a condition of approval is entering into a proof of parking agreement.

Mr. Young said when the change was made for building 2 from rental to condominium it was found that condominiums typically require less surface parking so it is possible parking spaces can be further reduced, providing more green space.

Chairman Byron asked Mr. Larsen how a Proof of Parking Agreement works. Mr. Larsen said after careful study with input from the engineering department a parking plan indicating the exact number of surface parking spaces and indicating where more spaces could be achieved if needed is drafted by the City Attorney and recorded.

Commissioner Workinger asked when a Proof of Parking Agreement is activated. Mr. Larsen responded In order for the City to activate a Proof of Parking Agreement an increase in parking demand must be exhibited either through staff observation, residential complaints or at the request of the property owner(s). The agreement can be formally activated by the City Manager if the need arises. Mr. Larsen said to date the City has not found the need to activate any of the Proof of Parking Agreements entered into, adding he believes this site would be no different.

Commissioner Fischer said he has found, as a rule, parking requirements in a situation such as this are higher than usually needed. Mr. Larsen agreed that has been the case at least in Edina's residential communities.

Commissioner Swenson moved to recommend final rezoning and final plat approval subject to:

- Watershed district permits
- Maintenance agreement covering pond outlets
- Re-vegetation and landscaping for new ponds
- Proof of parking agreement that totals complete number indicated (this number can be lowered)
- Agreement to provide three (3) affordable units (as previously presented)
- Landscaping plan along West 70th Street buffering the R-1 properties to meet council approval

Commissioner Fischer seconded the motion.

Commissioner Lonsbury said he still has a concern that the landscaping plan especially as it relates to the residential properties along West 70th Street isn't adequate. Commissioner Lonsbury referred to comments from Council minutes indicating a request to continue a berm and additional landscaping along West 70th Street with Mr. Bernardi responding his willingness to comply.

Chairman Byron noted that while Council Member(s) did suggest additional landscaping along West 70th Street to include a berm such a specific recommendation was not placed in the motion. Continuing, Chairman Byron said it appears additional landscaping was implemented along West 70th without continuing the berm and from our discussion this evening it may be possible the proponents landscaping engineer may "re-visit" the concept of a berm along 70th before the next Council meeting, and if deemed appropriate continue the berm.

Commissioner Fischer said it is possible continuing the berm at the same height depicted at the corner may not be appropriate because of the potential for water run off back unto the site. Commissioner Fischer suggested that the wording in the motion with regard to landscaping along West 70th Street read "complete landscaping plan along West 70th Street that maximizes screening

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especially as it relates to the residential neighborhood". This would allow for changes to the plan, possibly including continuing the berm.

Commissioner Swenson said she would consider that as an amendment to her motion and accepts the new wording.

Chairman Byron called for the vote. Ayes; Fischer, Swenson, Lonsbury, Brown, Skallerud, Workinger, Byron. Motion carried.

II. OTHER BUSINESS:

Amendment to the Flood Plain Ordinance

Mr. Larsen informed the Commission in order for the City to participate in the flood insurance program the City must adopt the new amendment(s). Mr. Larsen said staff supports adoption of the amendments to the flood plain ordinance.

Commissioner Workinger commented it was very difficult for him to peruse the enclosed ordinance amendment. He pointed out it is a lengthy and technical document. He added he wished staff had indicated the changes made between documents. Mr. Larsen apologized and agreed the new code is both lengthy and technical. Continuing, he explained the current ordinance would be replaced by the proposed, with the majority of changes occurring in the mapping area, not language. The FEMA flood maps are retained in the Planning Department providing access to the maps to both staff and the public. At present the City retains six (6) FEMA maps and with new technology the City will now retain nine (9).

Commissioner Workinger asked what that means to Edina residents. Mr. Larsen said the "short of it is" is that more residents may be able to purchase flood insurance if desired. The new maps should be more specific including changes that have occurred since 1980.

Commissioner Lonsbury asked when the new maps are received and if the city disagrees with any of the findings can the City contest the new map. Mr. Larsen responded the City could contest any findings they deem significant. Individual property owners can also contest the findings. Mr. Larsen explained a small number of residents have had their properties re-designated but it is a slow process. Concluding, Mr. Larsen said at this time the City has not received the new maps.

Commissioner Workinger moved to recommend adoption of the Amendment to the Flood Plain Ordinance. Commissioner Lonsbury seconded the motion. All voted aye; motion carried.

Commissioner Swenson addressed the Commission and said she would like to add on the agenda for future discussion “accessory structures in the residential zoning districts.” She added she has observed a number of PODS being stored on residential properties for “months”. Continuing, Commissioner Swenson said another concern with regard to accessory structures is building height. Commissioner Workinger added in his neighborhood someone constructed a “shed” that at least in his opinion appears to be “two-story”, concluding it is very high.

Mr. Larsen responded staff would gather materials from different cities, photos of existing structures and PODs, and bring the findings before the Commission at a later date.

III. ADJOURNMENT:

The meeting adjourned at 8:45 PM

Jackie Hoogenakker