

APPROVED MINUTES

EDEN PRAIRIE PLANNING COMMISSION

MONDAY, JANUARY 27, 2020

**7:00 PM—CITY CENTER
Council Chambers
8080 Mitchell Road**

COMMISSION MEMBERS:

John Kirk, Charles Weber, Ann Higgins, Andrew Pieper, Ed Farr, Michael DeSanctis, Christopher Villarreal, Carole Mette

CITY STAFF:

Julie Klima, City Planner; Rod Rue, City Engineer; Kristin Harley, Recording Secretary

I. CALL THE MEETING TO ORDER

Chair Pieper called the meeting to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE – ROLL CALL

All commission members were present.

III. APPROVAL OF AGENDA

MOTION: Kirk moved, seconded by Weber to approve the agenda. **MOTION CARRIED 7-0.**

IV. MINUTES

MOTION: Higgins moved, seconded by Villarreal to approve the minutes of January 13, 2020. **MOTION CARRIED 7-0.**

V. PUBLIC HEARINGS

A. VARIANCE #2020-01

Location: 12200 Singletree Lane

Request for:

- To decrease the front yard setback from thirty five (35) feet to five (5) feet
- To increase the Base Area Ratio from .20 to .214

Klima presented a PowerPoint and explained the application. This variance was being initiated by the City of Eden Prairie on behalf of the property owner and stemmed from the construction of the Light Rail Transit line through the City of Eden Prairie. The City had secured a grant that prevented the Town Center station

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from being deferred as a part of this project. Therefore it was the City's responsibility to obtain the right-of-way on this property.

The first variance was to increase the base area ratio. City Code required a .2 base area ratio, which would increase from a .206 to a .214 ratio. The second request was to decrease the front yard setback. With the new street construction this back yard would become a front yard, requiring a 35-foot setback. The variance would ask for a 5-foot setback in this area. Staff recommended approval of both variances.

Mette asked why this was not a PUD request. Klima replied this was a variance request due to the request of the property owner, and due to the fact a variance request was more streamlined than a PUD request, since the commission had the authority to approve it. Mette asked if this variance continued to a new property owner if this property was sold or redeveloped. Klima replied this was true; variances "ran with" the property. It would also likely be rezoned upon redevelopment, and this setback would be more in line with that. Mette asked if other properties would go through this setback variance process. Klima replied there were three other affected properties but only this one would require a setback variance. Mette asked for and received confirmation this would only affect the north side of the property.

Farr noted this property had the road extension as well as the railroad tracks, and asked if the commission was being asked to include in its definition of "right-of-way" a rail transit corridor that created front yards, rather than a street without sidewalks. Klima replied staff did look at the definition of "front yard" and the definition did refer to "right-of-way" and "street". Along the LRT corridor, properties may have been acquired as right-of-way or as easement. In this case, it would clearly become a front yard. Farr asked if this redesignation could cause unanticipated problems such as signage to indicate a passing train, et cetera. Klima replied that the definition of "front" versus "rear" yard clearly implied road right-of-way as "street," not necessarily light rail or trains. This could be examined on a case-by-case basis in the future.

DeSantis asked what topography the five-foot back area would have in the space between the rail and the end of the front setback. Klima replied the area between the building and the right-of-way of Eden Road could likely be a sidewalk or some pedestrian connection. Pieper asked if this was like a similar space along the Aquatics Center. Klima replied this was not a comparable setting, since there was not a setback issue, and she would have to check the measurements before she answered.

MOTION: Villarreal moved, seconded by DeSanctis to close the public hearing.
MOTION CARRIED 7-0.

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Mette noted the City was both compensating the owner for acquiring this property plus granting a variance, resulting in no loss to the land value and perhaps doubling the property owner's compensation, in contrast to other packages offered other residents, if any. On the other hand, the potential rezoning and density could lower this compensation. She did not have a conclusion to make from her contradictory insights, but asked the City to negotiate a reasonable outcome for both the owner and the City.

DeSanctis asked if the redesignation of this property to a front yard setback changed the property's compliance with architectural codes. Klima replied the zoning ordinance did not provide different standards for a front versus rear or side yard. Also, the building on the site was consistent with the standards of the PUD that was approved for the site.

Farr asked if the front yard designation offered the property owner front yard access via this Eden Road extension, or if that was prohibited via a traffic study or other restrictions. Klima deferred this question to Rue; however, the City did not have a redevelopment plan for this site as yet. Rue replied the frontage along the Eden Road extension offered parking, so there would be no access. It would instead be accessible from Singletree Lane or the north-south future unnamed road. Farr stated the five-foot setback seemed reasonable and future redevelopment would fall along this setback. He had no objection to the base area ratio change.

Mette clarified her previous comments: because future redevelopment would result in a rezoning and similar setback, she had no objection to the setback. She found the variance appropriate in this situation.

MOTION: Farr moved, seconded by Kirk to approve the Variance Request #2020-01 based on information from the staff report dated January 27, 2020 and finding and conditions of Final Order Number 2020-01. **MOTION CARRIED 7-0.**

VI. PLANNERS' REPORT

Klima reminded the commission members to RSVP for the City Council Work Session.

VII. MEMBERS' REPORTS

Villarreal that grid modernization and the International Code Council (ICC), which set the building standards to buildings across the United States, recently approved an amendment to require all new homes to be EV-ready. This would go into effect in 2021. He asked for recognition by the City that building codes were evolving and Eden Prairie's design standards might need to be reviewed and updated accordingly. He wished to prevent time loss for compliance with the ICC.

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He added the Rocky Mountain Institute issued a report on how to reduce EV-charging infrastructure costs in the U.S. What the report found was as the costs of the technology went down on a per-watt basis, the costs of infrastructure and installation did not due to “soft costs.” This was also true of residential solar energy installations. He asked the commission members to think about ways to address “soft costs” and ICC compliance inconsistencies between cities, counties, and states.

VIII. ADJOURNMENT

MOTION: Weber moved, seconded by Villarreal to adjourn. **MOTION CARRIED 5-0.**
The meeting was adjourned at 7:27 p.m.