

**MINUTES OF THE REGULAR MEETING  
OF THE EDINA PLANNING COMMISSION  
HELD ON WEDNESDAY, MAY 28, 1997, AT 7:30 P.M.  
EDINA CITY HALL COUNCIL CHAMBERS**

---

**MEMBERS PRESENT:** Chairman Johnson, Helen McClelland, David Runyan, Ann Swenson, David Byron, John Lonsbury, Charles Ingwalson, Geoffrey Workinger, Lorelei Bergman

**STAFF PRESENT:** Craig Larsen, Jackie Hoogenakker

---

**I. APPROVAL OF THE MINUTES:**

Commissioner Ingwalson moved approval of the April 30, 1997, meeting minutes. Commissioner Workinger seconded the motion. All voted aye; motion carried.

**II. NEW BUSINESS:**

---

**Z-97-1 Preliminary Rezoning, PID, Planned Industrial District to R-1  
Single Dwelling Unit District. 5229 Eden Avenue. City of Edina**

---

Mr. Larsen presented his staff report noting the subject property is just over six acres in size and is currently zoned PID, Planned Industrial District. A rezoning of the subject property from PID, Planned Industrial District to POD-1, Planned Office District, as part of a larger project was approved by the City in 1996. That rezoning was not completed by the proponents of the redevelopment. Mr. Larsen reminded the Commission at the last meeting staff had indicated redevelopment of this site as industrial would not be appropriate. At this time staff is proposing a rezoning of the property to R-1, Single Dwelling Unit District. Section 850 of the City Code provides for the use of the R-1 District as holding or open development zone.

Mr. Larsen concluded staff recommends Preliminary Rezoning approval from PID, Planned Industrial District to R-1, Single Dwelling Unit District, for the subject property.

Mr. William Griffith, representing Four S Properties, Inc. was present to respond to questions.

Commissioner Ingwolson asked Mr. Larsen if the owner of the property was in the audience. Mr. Larsen responded a representative of the owner is present.

Commissioner Ingwolson asked if this rezoning were to be approved, what would happen to the Kunz Oil property. Mr. Larsen said the plan would be for the City to acquire both the Lewis and Kunz properties.

Mr. William Griffith introduced himself, and stated in his opinion the down zoning of this property was initiated by City staff, with Council consent, and this attempt to down zone the property is not appropriate, and is designed to prevent the development of the site as a mini-storage facility. Mr. Griffith noted the present PID zoning allows mini-storage facilities as permitted uses. Continuing, Mr. Griffith commented on the chronology of events that have occurred within the past 11 years, noting in his opinion, the City has had ample time to acquire/condemn the subject property. Mr. Griffith stated to the best of his ability the activity on the site is recorded as follows:

- **3/86** City Council held public hearings on land use alternatives for the Grandview area. The Lewis and Kunz properties were identified as “blighted”.
- **9/86** Council considered a plan for construction of a four-story 210-unit apartment project. This project was never constructed.
- **7/87** Review of the Comprehensive Plan. City Council affirmed that the KunzOil/Lewis properties should be re-developed with multi-family housing, requesting staff to study the possibility.
- **9/90** Jerry’s Enterprises, Inc. submitted a plan to rezone the property from PID to PCD-2. This project was abandoned.
- **8/91** The Council revisited the Comprehensive Plan, and at the recommendation of City staff and Planning Commission the subject site was left designated as industrial.
- **4/93** A proposal was submitted to the Planning Commission and Council to rezone the subject site from Industrial to Commercial. Staff did not recommend amending the Comprehensive Plan to support Commercial rezoning south of Eden Avenue.
- **6/93** The City Council denied the request to rezone the property to Commercial to develop the site for a grocery store/fast food restaurant.
- **11/95** Final Development and proposal to rezone site from industrial to office by Laurent Parks.
- **7/96** Final Rezoning approval PID to POD, Laurent Parks Development. Final approval received to construct an office park on the subject site and final plat approval for Cirrus Addition.
- **2/97** Four S Properties submits application for rezoning
- **4/2/97** Planning Commission continues the request by Four S Properties, Inc. to construct a mini-warehouse facility until its April 30, 1997, hearing.
- **4/7/97** City Council held a public hearing to amend the Grandview plan identifying the subject site for acquisition.

- **4/7/97** City Council extended the 60-day statutory deadline for considering Four S Properties application for approval of the Final Development Plan.
- **4/30/97** Planning Commission recommends denial of the proposal to develop the subject site as a mini-warehouse facility.
- **5/17/97** Staff recommended that the property be rezoned temporarily to the R-1 District to allow this site to be used as a “holding zone” until the City Council can decide what is appropriate.

Concluding, Mr. Griffith said he is very concerned the City has recommended denial of a proposal that meets all zoning requirements, reiterating in his opinion his client is not being allowed a fair hearing. It is prejudicial, and now the City is requesting a rezoning of the property that would prohibit his client from constructing a facility that presently conforms to all zoning requirements.

Commissioner Ingwalson asked at present who is the property owner of record. Mr. Griffith said Four S Properties, Inc. is now the owner of record. He added he believes they closed on the property on May 23<sup>rd</sup>. Mr. Larsen interjected that presently the City is negotiating a purchase agreement with Kunz Oil, and filed for condemnation of the Lewis/Four S Properties, Inc. property.

Commissioner Byron asked Mr. Larsen when the condemnation is to occur. Mr. Larsen said the process to condemn the property has been in the works for some time, with the initial court hearing July 1, 1997.

Commissioner Byron asked Mr. Larsen if the City requested the Council to take action to down zone the property to R-1 thereby placing it in a “holding” zone. Mr. Larsen said the action to place the property in the R-1 “holding” zone was initiated by staff with the consent of the HRA/Council, and referred to the Planning Commission for consideration. Commissioner Byron questioned with all the activity occurring on the site why it is now so important to down zone the property placing it in an holding pattern. Mr. Larsen said the zoning places the City in a strong position to control the redevelopment of the site. Continuing, Mr. Larsen reiterated rezoning the property to R-1 provides a “holding” zone for a piece of property that has been an abandoned use. Mr. Larsen pointed out the City does not consider this rezoning to be permanent.

Commissioner McClelland asked Mr. Larsen if the City petitioned to condemn the Lewis property prior to the Planning Commission hearing. Mr. Larsen said he is unsure of the official date the condemnation papers were filed, but believes it was before the Commission heard the proposal.

Commissioner Ingwalson said he has concern with the legal issues, and questioned if the City is within their legal right. Mr. Larsen responded in the affirmative. He stated it is the right of the City file condemnation of a piece of property, and to further request the “holding” rezoning, and in this instance it is proper.

Chairman Johnson asked Mr. Larsen if the City would be worse-off leaving the zoning of the site PID. Mr. Larsen said City staff is unclear on that issue, but feels requesting the rezoning to R-1 as a “holding” zone category allows time to ensure the site will be properly developed.

Commissioner McClelland told Commission Members the City has actively reviewed plans to redevelop this site, and the City has been flexible. Continuing, the City has an established history of either desiring the entire area to be redeveloped, or at minimum the Kunz and Lewis properties addressed together in some form. Commissioner McClelland pointed out the City has through its zoning established industrial zoning along the 494-corridor area. Commissioner McClelland said to her knowledge this is the only area in the center of the City that is zoned industrial. Commissioner McClelland stated in her opinion it is not good planning sense, nor is it neighborly to isolate the Kunz property, as this proposal does. She pointed out the last project which received final rezoning and final development plan approval recognized the Kunz property would be virtually landlocked if a simultaneous development did not occur that provided them unencumbered access to their property, and also the ability to expand their building, and obtain more parking. Commissioner McClelland acknowledged this area is non-conforming, but new development should try to resolve its non-conformity, and this proposal does not address that. Commissioner McClelland acknowledged this area was discussed during hearings on Tax Increment, but in the end this parcel was not included, but it was always felt that both the Lewis and Kunz parcels were tied together.

Commissioner Runyan said as he stated in April, in his opinion the use of this property as a mini storage facility is not attractive nor an appropriate use for a site located in the center of Edina. Continuing, Commissioner Runyan referred to Mr. Griffiths chronology of 11 years, noting Mr. Griffith’s assumption that the City has only now decided to do something about this property is not correct. Commissioner Runyan pointed out the property has seen numerous proposals throughout the 11 years, though nothing has materialized. Commissioner Runyan pointed out the process for each new development can be lengthy, reiterating this is a complex important piece of property located in the center of the City. Concluding, Commissioner Runyan said he wants to see that this property is developed properly, and the final result is an asset to the entire community.

Commissioner Byron stated it is not difficult to conclude the City has a strategy that addresses both the Lewis and Kunz properties so there will be no future conflicts between these parcels, and that the City is being well advised by legal counsel. Continuing, Commissioner Byron stated in observing the proposal it is understandable Mr. Griffith would prefer to proceed, but Commissioner Byron stated he has a problem with the proposal, and the way it addresses the Kunz property. Commissioner Byron said in his opinion this proposal negatively impacts the Kunz site, and if developed it could virtually landlock the site, and make it difficult for Kunz Oil to operate their business. Commissioner Byron said the City has not lost the power to condemn the “Lewis” property, and in his opinion the request to rezone the site to R-1 creating a

“holding” status is appropriate. Concluding Commissioner Byron said he does not agree that the City is prejudicial toward Mr. Griffith’s client, and the Commission would not be prejudicial in recommending that this property be rezoned to R-1 thereby placing it in a “holding” status.

Commissioner Byron moved to recommend preliminary rezoning approval. Commissioner Swenson seconded the motion.

Commissioner Ingwalson said there has been much discussion on linking the Kunz/Lewis properties, and questioned if the condemnation includes the Kunz site. Mr. Larsen reiterated the City is negotiating an agreement to purchase the Kunz site along with the condemnation of the Lewis property.

Chairman Johnson called for the vote; all voted aye. Motion to recommend preliminary rezoning approval approved 9-0.

---

**S-97-4                      Don and Sandy Halla  
Halla Division  
6601 Mohawk Trail**

---

Mr. Larsen informed the Commission the subject property is a developed single dwelling property containing an area of 87,150 square feet. The existing home is located in the northerly portion of the lot. A request to subdivide the property and create one new lot has been presented for Commission review.

Mr. Larsen pointed out there are 37 lots in the 500 foot Neighborhood as defined in Section 810 of the City Code(Subdivision Ordinance). The median size and dimensions of lots in this Neighborhood are as follows:

| <b><u>Lot Width</u></b> | <b><u>Lot Depth</u></b> | <b><u>Lot Area</u></b> |
|-------------------------|-------------------------|------------------------|
| 175 ft.                 | 213 ft.                 | 38,497 s.f.            |

The dimensions and areas for the lots in the proposed subdivision are:

| <b><u>Lot Width</u></b> | <b><u>Lot Depth</u></b> | <b><u>Lot Area</u></b> |
|-------------------------|-------------------------|------------------------|
| 200 ft.                 | 217 ft.                 | 43,590 s.f.            |
| 220 ft.                 | 213 ft.                 | 43,560 s.f.            |

Mr. Larsen stated both lots in the proposed subdivision meet or exceed ordinance size and area requirements.

Mr. Larsen concluded staff recommends preliminary plat approval for the proposed subdivision. Both lots meet or exceed ordinance size and dimension requirements. The proposed new building site is probably somewhat better than in other recently approved subdivisions in the vicinity. Preliminary Plat approval should be conditioned on: 1. Final Plat approval, 2. Subdivision Dedication, and 3. Granting of 40 foot Conservation Restriction along Mohawk Trail

Commissioner Ingwalson said in reviewing the plat it was difficult to determine where the common lot line is, commenting he assumes it is in the middle of the two lines depicted on the plat.

Mrs. Halla responded they have no problem in dividing the lot between the two lines indicated on the plat. Continuing, Mrs. Halla stated the house that will be constructed on the site takes advantage of the slopes by being angled sideways to achieve southern exposure. The proposed lot/house will also be served by the existing driveway. Mrs. Halla concluded by reporting the house will be built for her daughter, and the immediate neighbors have indicated they have no objection to the proposal.

Commissioner Swenson stated she can support the subdivision request. The two lots meet or exceed neighborhood standards, the heavy vegetation on the site will almost camouflage the new house, and the recommendation of staff to place a 40 foot conservation easement along the street frontage further protects the unique character of Indian Hills.

Commissioner Swenson moved to recommend Preliminary Plat approval subject to staff conditions and the further condition that the lot be divided between the two lines indicated on the plat. Commissioner Ingwalson seconded the motion.

Mr. Richard Smith, neighbor and developer said he has a concern with the steep slopes of the subject site. Continuing, Mr. Smith said in his opinion this site, because of its slopes was designed to be one lot. Concluding, Mr. Smith reiterated he is concerned with the steep slopes, increased traffic, and potential setback difficulty. Mr. Smith stated the original developer of Indian Hills knew what he was doing in creating large unique lots, and he would like them to remain.

Commissioner McClelland agreed with the uniqueness of Indian Hills, but pointed out the proposal meets subdivision standards. She added the division of these large lots began around eight years ago, and while it is difficult, the City has always placed at minimum a 40 foot conservation restriction along the street frontages to retain as much of the character of Indian Hills as possible while allowing property owners the right to divide their lot.

Mrs. Halla interjected the house that her daughter proposes to construct is 2,500 square feet on each level, and it is a two level home. Mrs. Halla said the home will not be as large and overbearing as some of the new houses that have been constructed in the area.

Commissioner Ingwalson said he does not have a problem with the proposal. He pointed out the house designed for the site is not overly large, and acknowledged the City does face a balancing act in this neighborhood in allowing property owners the right to divide their lots, while maintaining the unique character of Indian Hills.

Chairman Johnson called for the vote. All voted aye; motion to approve carried 9-0.

---

**LD-97-2**

**Patrick J. Flanery and Connie J. Flanery  
6312 Hillside Road**

---

Mr. Larsen informed the Commission the subject property comprises two platted single dwelling lots. Total land area of the two lots is 46,155 square feet. The proponent is requesting a lot division to cure an encroachment of the existing house on the second lot. The lot division would provide a new buildable site.

Mr. Larsen explained the Zoning Ordinance requires a minimum setback of 10 feet from the point of the encroachment. The proposed division would provide a setback of almost 27 feet, which is slightly greater than the minimum rear yard setback. The resulting new parcel would have a lot width of approximately 90 feet and a lot area of 16,207 square feet.

Mr. Larsen concluded the proposed lot division will create a new building site which will meet ordinance requirements. While it would desirable to provide additional width for the new site, it is also advisable to provide a usable rear yard for the existing home. Staff recommends approval as presented.

Chairman Johnson questioned Mr. Larsen if he knows who owns the adjoining property to the west. Mr. Larsen said he believes the church owns the adjoining piece of property.

A discussion occurred with Commission Members in agreement that more information needs to be provided in order for them to make an educated decision. The points the Commission wants addressed are as follows:

- depict location of pool on lot
- divulge who owns the land immediately west of the subject lot
- give reason(s) why the common lot line has been moved over 25 feet, thereby causing the vacant lot to only have 90+ feet of frontage
- review the lot widths within the immediate neighborhood

Mr. Larsen explained the reason the common lot line needs to be shifted west is because of the small encroachment. Mr. Larsen said he understands their concern that a 10 foot movement west would satisfy the encroachment. Concluding, Mr. Larsen said he does not know the reason the common lot line was adjusted 25 feet west.

Commissioner McClelland moved to hold LD-97-2 over allowing the proponent the opportunity to respond to the questions and concerns raised. Commissioner Swenson seconded the motion. All voted aye; motion carried.

### **III. ADJOURNMENT:**

The meeting was adjourned at 9:30 p.m.

---

Jackie Hoogenakker