

**MINUTES OF THE REGULAR MEETING
OF THE EDINA PLANNING COMMISSION
WEDNESDAY, OCTOBER 27, 1999
7:30 P.M., CITY HALL COUNCIL CHAMBERS**

MEMBERS PRESENT:

Chair, Gordon Johnson, John Lonsbury, David Byron, Ann Swenson, Helen McClelland and Lorelei Bergman

MEMBERS ABSENT:

Charles Ingwalson, David Runyan and Geof Workinger

I. APPROVAL OF THE MINUTES:

Commissioner McClelland moved approval of the minutes of the September 29, 1999, meeting minutes. Commissioner Lonsbury seconded the motion. All voted aye; motion carried.

II. NEW BUSINESS:

Agenda items taken out of order.

**LD-99-3 Dan Biersdorf
 5040 Juanita Avenue
 5044 Juanita Avenue**

Ms. Aaker informed the Commission the proposed lot division involves two developed lots on Juanita Avenue. The common lot line between the two lots runs diagonally from the northwest to the southeast. The proposal would adjust the line to run east-west, perpendicular to Juanita Avenue. Both lots would continue to conform to zoning ordinance requirements after the trade.

Ms. Aaker concluded staff recommends approval.

Commissioner Swenson moved to recommend lot division approval. Commissioner Lonsbury seconded the motion. All voted aye; motion carried.

**Z-99-1 Haugland Company
 5850 Opus Parkway, Suite 108**

**Request: Amend Comprehensive Plan map from single family
 to commercial. Rezoning from R-1 to Commercial**

**Location: Tracts A and B, Registered Land Survey No 1378
Hennepin County Minnesota**

Ms. Aaker informed the Commission the subject property is located in the southeast quadrant of Trunk Highway 169 and Londonderry Road. The property is vacant and zoned R-1, Single Dwelling District. The proponents request that the site be designated as Commercial and be rezoned to PCD-2, to allow development of a small retail strip center. The site currently is treated as part of the right of way, and carries a designation of Single Family Residential.

Ms. Aaker explained staff has researched the history of this site, and it appears the property has been ignored by Comprehensive Planning and zoning. The parcel was originally part of the property to the east, which is now United Health Care. The property was developed in the mid 1960's as an office/industrial facility. Part of the property was acquired by the County for the construction of highway 169. After construction the unused property was re-acquired by the owners of the United Health Care site. No development proposals have ever been reviewed for the property. It appears that the site may have originally been zoned Industrial along with the balance of the site. However, sometime during or after the highway construction the site ceased to exist from the standpoint of zoning or Comprehensive Planning. The zoning and Comprehensive Plan maps appear to treat the property as part of the interchange right of way. If the site had not been ignored it probably would have been designated Industrial.

Ms. Aaker told the Commission the proposal before the Planning Commission would designate the property Commercial and cause a rezoning to PCD-2, Planned Commercial District. PCD-2 is the zoning district used for most of 50th and France and Grandview.

Ms. Aaker concluded there is no convenient place in northwestern Edina to buy any convenience goods or services. The site is in a small industrial park and near a freeway interchange. The proposed site may be best suited to the type of use proposed. Other possible uses of the property, such as office or industrial, would only add additional peak hour trips to this already congested area. The proposed use would serve the tenants and residents of the area without contributing significant additional peak hour trips. Although a rezoning to PCD-2 is requested, staff believes PCD-1, Neighborhood Commercial, would be more appropriate. Further, staff does not believe this rezoning would lead to more requests for commercial zoning in the area. This is the only vacant site in the area, and other developed sites do not easily lend themselves to conversion to retail use.

Staff recommends approval of the proposed amendment to the Comprehensive Plan, and recommends approval of preliminary rezoning to PCD-1 conditioned on:

1. Final Rezoning

The proponent, Mr. Gene Haugland was present to respond to questions from the Commission. Mr. Benshoof of Benshoof and Associates was present representing Mr. Haugland. Interested neighbors were present.

Mr. Haugland introduced himself informing the Commission he believes the proposed rezoning and construction of a retail center will serve members of the neighborhood, and will be of benefit to the City of Edina. Continuing, Mr. Haugland said the proposed shopping area will be a high quality center, and may contain a coffee shop, dry cleaner, and other convenience amenities. Mr. Haugland said the development team desires a PCD-2 zoning, which would allow a drive-up bank and other retail uses. Mr. Haugland added if the Commission disagrees with the request for a PCD-2 zoning, a zoning to PCD-1 would be doable.

Commissioner McClelland noted Mr. Haugland referred to the possibility of adding a dry cleaner to the proposed retail space, and asked Mr. Haugland if the proposed dry cleaner would be a drop off facility or a processing facility with chemicals.

Mr. Haugland responded the proposed dry cleaner will not have processing. Commissioner McClelland asked Mr. Haugland if he would be comfortable with that added to the motion if this were to be approved. Mr. Haugland said he would be comfortable with that recommendation.

Mr. Dick Johnson, 5700 Tucker Lane, explained to the Commission the history of the area asking the Commission to note when this area was first developed no retail use was indicated in the Comprehensive Land Use plan. Continuing, Mr. Johnson explained traffic flow in this area is around 5,000 cars per day, and the neighboring property owners don't need more traffic. Mr. Johnson told the Commission he would like more time to study the proposed plan. He added he would like to have input from a traffic engineer that would speak to trip generations. Concluding Mr. Johnson said he believes the impacted neighbors did not have adequate time to respond properly, and requested that the Commission continue this item to allow members of the neighborhood time to get together and outline a response.

Mr. Fred Mauck, 6104 Habitat Court, urged the Commission to require that a traffic study be done on this site. Mr. Mauck noted in the staff presentation staff indicated the use as proposed should not create more peak traffic trips, and that vehicles will use the proposed retail center at all times of the day. Mr. Mauck noted Mr. Haugland said a coffee shop or dry cleaner may be constructed, but no firm commitments have been entered into. Mr. Mauck said he has a concern that occupancy by a McDonalds or Burger King may occur. Concluding, Mr. Mauck said he is very concerned, and believes this is an opportunistic situation. He added in his opinion there is no need for retail use in this area, and this is a prime example of spot zoning at its worst. Mr. Mauck said he is very opposed to this type of development in this area.

Chairman Johnson asked Mr. Mauck if he believes traffic will come from 169 to use the proposed retail center, and how that traffic will impact you where you live.

Mr. Mauck pointed out everyone in the area uses the intersection at 169, and any additional traffic is too much traffic. Continuing, Mr. Mauck said the visual impact of a small retail mall located next to residential is not compatible. Concluding, Mr. Mauck reiterated in his opinion this is not an appropriate use, and the impact of traffic as a result of this development will spread to all areas. Mr. Mauck stressed the area is predominately residential, and asked the Commission to note that United Health Care is a campus situation with large setbacks. This mall will be constructed right on top of residential properties, with reduced setbacks.

Bennett Moyle, president of Londonderry Town Homes told the Commission the Londonderry townhome development is the closest residential development in the area, and he is very concerned with the development as proposed. Mr. Moyle stated residents of Londonderry have not had enough time to study or respond to this proposal. Mr. Moyle asked the Commission to slow the process down so members of the townhome development can provide a proper response. Mr. Moyle stated that for the most part residents of Londonderry have a traffic concern. He stressed this is a residential neighborhood with foot traffic, and there is no intersection or cross walk in this area. Concluding, Mr. Moyle pointed out many residents walk, and additional traffic would be dangerous. Mr. Moyle reiterated he believes residents of Londonderry did not have adequate time to review the proposal, the sign is the only thing that alerted them of this proposal, and he requested that this item be slowed down, and tabled.

Chairman Johnson asked Ms. Aaker when the rezoning signs went up. Ms. Aaker said she believes the signs went up 10 days ago. Mr. Moyle said the signs were put up one week ago.

Chairman Johnson asked Mr. Haugland when the signs went up. Mr. Haugland said 10 days ago. Members of the audience indicated they did not agree that the signs went up 10 days ago.

Caroline Peterson, resident of the Manor Homes on Langford Lane, told the Commission her complex is 144 units, and in her opinion residents did not have enough time to respond adequately to the proposal. Ms. Peterson told the Commission her development is already bothered by traffic and noise, adding at this time she is not sure how the proposed development will impact her property. Ms. Peterson said she agrees with the previous speaker that there are walkers in this neighborhood, and she has a concern if more cars are added to the road safety would become an issue.

Chairman Johnson referred to Ms. Aaker, and asked her if she found any information in the file on when the signs were erected. Ms. Aaker said City staff received a fax indicating the sign was posted on October 18, 1999. There was some discussion from the Commission if the sign was erected a full 10 days before the meeting as directed by Ordinance. Chairman Johnson asked Commissioner Byron to review the language of the Ordinance.

Mr. George Bunkie, 6085 Lincoln Drive, told the Commission he has not spoken with anyone who supports the proposed rezoning. He said in his opinion the area is already saturated with traffic, and a retail shopping mall will only add to the traffic.

Mr. Michael Oren, 6115 Lincoln Drive, told the Commission he has lived in the area for 24 years, and it is a wonderful residential neighborhood to live in. He added during the past 24 years he has seen traffic increase, and now it is impossible to get in or out of his property during the peak hours.

Commissioner Byron interjected and told Chairman Johnson he has reviewed the Ordinance and read for the Commission from the Ordinance "until the sign has been erected as required and for at least ten days preceding the hearing." Commissioner Byron added that wording can be debated between attorneys on exactly what the word preceding includes or does not include. Continuing, Commissioner Byron said what is also important

is that the Ordinance also reads “The failure of any petitioner to comply fully with the provisions of this paragraph relating to the sign shall not prevent the Commission and Council from acting on the petition nor invalidate any rezoning granted by the Council.” Commissioner Byron said if one considers that statement the Commission can legally hear the petition.

Chairman Johnson said he believes the Commission should move forward and hear the petition. The Commission may decide at the end of the hearing to table the request.

Mr. Gene Kreiger, 6115 Lincoln Drive, asked if there will be a stop sign on Lincoln Drive. Chairman Johnson said he believes there will be a stop sign exiting the retail site, but no stop sign or stop light on Lincoln Drive.

Mr. Haugland explained the property does not go as far as the property line of United Health Care, adding there are two points of egress, and the points of egress resulted from working in cooperation with the City Engineer. With graphics Mr. Haugland pointed out the egress points. Chairman Johnson said Mr. Hoffman, City Engineer is not present this evening to help clarify traffic questions.

Mr. Larry Moso, 6877 Langford Drive, asked the Commission to note the audience this evening is made up of mostly seniors, and as seniors we enjoy walking through our neighborhoods. The addition of a retail shopping mall will add to the already congested area, and will compromise our safety.

Mr. Mike Mitchell, 6848 Langford Drive, said he does not believe a retail store is needed for this part of Edina. He pointed out Jerry’s is not far away, and there is a strip mall on Shady Oak Road where residents of this area can purchase convenience items.

Mr. Bill Rose, 6119 Habitat Court, said the issue for him is traffic. He told the Commission vehicles travel as fast as 50 mph down Lincoln Drive which creates a safety hazard. Mr. Rose suggested that the City erect a stop sign at the entrance to Habitat Court. Mr. Rose suggested tabling the issue until certain traffic issues can be addressed, and residents of the neighborhood can speak to each other about this.

Chairman Johnson said residents of Habitat Court can approach the traffic safety committee and request a sign.

Harold Catco, Edina West, told the Commission he moved into the area two years ago, and found himself astounded at the traffic. He said the pedestrian safety of the residents of the area are a real concern. He pointed out United Health Care continually grows, adding even more traffic. He said he believes this area is as bad as Jerry’s parking lot at high noon. He asked the Commission to please table this issue allowing further study.

Mr. Conrad Retzel, 5717 Duncan Lane, told the Commission if United Health Care wants to provide their employees with amenities they should develop these amenities on their campus.

Mr. Arthur Park. 6904 Langford Drive, said he has a worry if the property is rezoned that a service station would be constructed. Chairman Johnson explained a service station

requires a different zoning designation. If a service station is requested another public hearing would be required.

Mr. John Albinson, 5737 Duncan Lane, told the Commission he may be the only one present this evening that supports the project. He said he believes a PCD-1 zoning would be better than an office zoning. The PCD -1 zoning would spread traffic throughout the day while construction of a new office building would add to the peak traffic flow. Mr. Albinson asked staff what is allowed in the PCD-1 zoning district. He concluded he enjoys the idea that he can walk in his neighborhood to fulfill some of his convenience needs. He stated this development is pedestrian friendly, and a positive approach.

Ms. Aaker explained the PCD-1 zone allows offices, including both business and professional. Ms. Aaker read for the Commission and audience the allowed uses in the PCD zoning districts.

Commissioner Swenson asked Ms. Aaker if a recent traffic study was done.

Ms. Aaker explained a traffic study was done on this area in the recent past with the results of the study implemented in the Comprehensive Plan.

Ms. Sue Fee, 5720 Londonderry Drive, asked the Commission how long the rezoning process could take. Chairman Johnson responded a rezoning is required to go before the Commission and Council two times. Ms. Fee asked the Commission if there is a time limit before a developer can request a new zoning for the site. Maybe PCD-1, to PCD-4. Chairman Johnson said there is no time limit on a request. Chairman Johnson reiterated if this area were to be rezoned again a public hearing would be held.

Ms. Donna Linker, 6115 Lincoln Drive, invited the Commission to sit on her driveway at 4:00 p.m. and watch the traffic.

Commissioner Bergman asked Mr. Haugland who he is targeting when he considered this project. Mr. Haugland responded the market indicated retail or a small office would be market friendly targets for residents and employees of the area. The development team opted for the commercial rezoning. Mr. Haugland said he believes the proposed retail mall will capture vehicles already present in the area. Mr. Haugland said he has letters of intent from retail businesses that support the proposed request to rezone the site to commercial. He concluded he has retained Mr. Benshoof of Benshoof and Associates to do a traffic analysis.

Mr. Jim Benshoof, told the Commission there are a few points he would like to make. He pointed out the size of the mall development is 9,800 square feet which is not a large retail development, but rather on the small scale. The size of the complex affects traffic. Mr. Benshoof said the principal traffic using the site will be generated from persons already in the area traveling to and from their homes or business. Mr. Benshoof said the traffic patterns generated will be less intense during peak business hours versus office use. Mr. Benshoof pointed out traffic control at the intersection to the north is an all way stop sign which helps reduce speed. He pointed out the width of Lincoln drive at the main access to the proposed retail mall is three traffic lanes, which would serve left turns into the development. Concluding, Mr. Benshoof reiterated that in his opinion the proposed use reduces peak trip generations into the area.

Chairman Johnson said he believes the retail site will also contribute to peak hour counts into the site. Mr. Benshoof agreed, but noted a majority of the trips to the proposed mall are existing trips, not new trip generations into the area.

Mr. Carl Kaufman, 5709 Duncan Lane, told the Commission there is already a traffic problem in the area. He said the four way stop does not work well. He said vehicles are always turning around on the bridge into the Londonderry townhomes because of the traffic. Mr. Kaufman said traffic really needs to be addressed in this area on the whole.

Chairman Johnson suggested that a traffic study should be done. Chairman Johnson said at this time the Commission is only speculating on the traffic.

Commissioner McClelland said she believes the Commission has collected as much information this evening as possible. She said she would like to go back and review the traffic figures in the Comprehensive Plan and hear from the City Engineer regarding traffic. Concluding, Commissioner McClelland said she has grave concerns regarding traffic.

Commissioner McClelland moved to continue this item until the December 1, 1999, Planning Commission hearing, requesting that Fran Hoffman, City Engineer be present, and have Mr. Hoffman conduct traffic counts on Lincoln Drive. Commissioner Swenson seconded the motion.

Commissioner Byron said he can support the motion to table this issue. He added hopefully the extra time will help the Commission make an educated decision. Continuing, Commissioner Byron said he is concerned with traffic, and is frustrated because much of the traffic concerns come from the US Highway Department, and the County. He pointed out the City has limited ability to deal with ramp signals, etc. Concluding, Commissioner Byron said the Commission does not have the luxury of saying nothing can be developed on this site, it is privately owned, but the Commission wants to make an educated decision with as much information as possible supplied by the Planning and Engineering staff. Commissioner Byron commented the Commission may find after all the information is gathered that a PCD-1 zoning is the best zoning for the site.

All voted aye; motion carried.

III. ADJOURNMENT:

The meeting was adjourned at 9:15 p.m.

Jackie Hoogenakker