



**MINUTES OF THE REGULAR MEETING
OF THE EDINA PLANNING COMMISSION
WEDNESDAY, FEBRUARY 23, 2005, 7:00 PM
EDINA CITY HALL COUNCIL CHAMBERS
4801 WEST 50TH STREET**

MEMBERS PRESENT:

**Chair David Byron, Michael Schroeder, Michael Fischer, John Lonsbury,
Helen McClelland, Stephen Brown, Floyd Grabiell**

MEMBERS ABSENT:

David Runyan and Geof Workinger

STAFF PRESENT:

Kris Aaker and Jackie Hoogenakker

I. APPROVAL OF THE MINUTES:

The minutes of the January 26, 2005, meeting were filed as submitted.

II. NEW BUSINESS:

**A-05-1 Amendment to Zoning Ordinance
& C-05-1 Conditional Use Permit
 Haugland Companies
 3901-3907 50th Street West
 5000-5020 France Avenue South**

Ms. Aaker informed the Commission the City is requesting an amendment to the zoning ordinance and Haugland Companies is requesting a Conditional Use Permit to allow redevelopment on the corner of West 50th Street and France Avenue. Ms. Aaker said the proposal includes a mix of residential and retail and would be developed in phases. The proposed residential uses would need to comply with the standards for the district, but would be exempt from the floor

area limit. The residential use would also need to provide private parking to support the project.

Mr. Aaker concluded staff recommends preliminary approval of an amendment to the zoning ordinance and preliminary approval of a Conditional Use Permit for the proposed project subject to the satisfaction of the following conditions: final adoption of the Zoning Ordinance Amendment, approval of Conditional Use Permit for dwelling units, easements as required for building and public utilities and Watershed District Permits.

Mr. Gene Haugland, applicant and Mr. J. Benshoof and Mr. Dan Young-Dixon were present to respond to questions.

Commissioner Fischer commented in reviewing the plans it appears “air rights” will need to be readdressed. Ms. Aaker responded that is correct. She stated “air and subterranean rights” need to be addressed and resolved.

Chair Byron referred to a letter from Mr. Richard Curtin (owner of the adjacent Ampersand building) and asked Ms. Aaker if the proponent had the opportunity to review Mr. Curtin’s letter. Ms. Aaker responded Mr. Haugland was provided with a copy of the letter and if she understood correctly Mr. Haugland personally met with Mr. Curtin.

Mr. Haugland addressed the Commission and informed them he has owned Arby’s since 1984. Continuing, and with the aid of photo’s Mr. Haugland explained his goal is to redevelop two parcels at the corner of West 50th Street and France Avenue. Mr. Haugland said he proposes to replace the current 13,400 square feet of retail space (including Arby’s) with 22,500 square feet of new retail space. He added the proposed retail space is all at ground level. Continuing, Mr. Haugland said one thing he believes is important to the project is to widen the sidewalk along France Avenue. He added this proposal would widen the France Avenue sidewalk roughly three additional feet.

Mr. Haugland reported another feature in the redevelopment of this area includes constructing 23 condominium units on three levels above the new retail space. Mr. Haugland said parking for condominium owners would be accommodated in a below grade parking garage.

Continuing, Mr. Haugland explained to the Commission the project will be constructed in two phases. The first phase would consist of razing Arby’s and construction of retail (street level 8,500 square feet) with condo’s above. Mr. Haugland said he believes this “phased approach” would reduce disruption for our retail tenants. The second phase consists of razing the remaining retail and constructing new retail with condo units above. Mr. Haugland told the Commission some issues regarding air and subterranean rights are still “up in the

air” and it is believed some slight adjustments need to be made. Adjustments also may need to be made concerning the alley and egress/ingress.

Chair Byron commented in reviewing the plans it appeared to him the condominiums are setback from the first level retail space.

Mr. Young Dixon addressed the Commission and told Chair Byron he is exactly correct in his observation. Mr. Dixon said the residential feature of the development is stepped back significantly offering dimension to the architecture. Mr. Dixon said all units will have an outdoor deck area, however the designed increased setback of the residential units create an outdoor living area that prevents residents from “hanging” over their railing viewing the pedestrians on France Avenue or West 50th Street. Mr. Dixon said this stepped back design feature is especially important on the second level for not only aesthetic reasons but also for safety. Continuing, Mr. Dixon said another feature of the design is to maintain the feel of the France Ave/50th retail stores. Mr. Dixon said careful attention was made to the retail element of the proposal to include a variety of storefronts for an individual city look to the project.

Commissioner McClelland asked after Arby’s is razed how will the retail elements be incorporated into the new. Mr. Haugland responded as he mentioned previously this proposal will be constructed in phases. He explained the plan is to raze Arby’s, begin construction of the new retail/condo’s with merchants vacating existing retail and moving into the new spaces before Phase 2 begins.

Mr. Benshoof addressed the Commission and explained the traffic study for the redevelopment at 50th Street and France Avenue. Mr. Benshoof said the plan before the Commission this evening removes the existing entrance driveway on France Avenue and retains the existing exit driveway. The development would be served by the existing exit drive and the existing one-way northbound alley connecting to 51st street, and a new connection to the parking ramp opposite the entrance to the underground parking garage for residents of the condos. Mr. Benshoof explained gates would restrict the connection to the parking ramp with access through this connection only available for residents of the condos. Mr. Benshoof said it is believed the current redevelopment plan would generate fewer trips compared to existing uses and would also generate fewer trips if the alternative development scenario were implemented (50th and France Avenue plan).

Commissioner Grabiell asked Mr. Benshoof what would prevent the condo residents from using the alley. Mr. Benshoof said he believes the turning radius may prevent that.

Mr. Dick Curtin, 6310 McIntyre, and property owner of the Ampersand building told the Commission he is not opposed to the project but wants the City

to carefully examine the proposed development. Mr. Curtin said he has a concern with regard to providing adequate parking, the turn radius and traffic. Mr. Curtin added he is not sure he believes access to the residential element of the proposal is best. Continuing, Mr. Curtin pointed out the layout of the development also appears to convert his sidewalk (north side) to a thoroughfare. He added that sidewalk is maintained by him, and if in the future it is used by residents of the proposed condos who will maintain that sidewalk and what about liability.

Chairman Byron asked Mr. Curtin if he believes there is a better alternative to the plans submitted. Mr. Curtin said his first thought was to enter from France Avenue. Commissioner McClelland questioned if that would create a curb cut/sight distance problem.

Chair Byron asked Mr. Haugland if he has any response to Mr. Curtin. Mr. Haugland said they could look into the suggestion by Mr. Curtin with regard to France Avenue access, but his first impression is that that would be more dangerous. Mr. Haugland in response to the question regarding the north walkway that they intend to add "Arby's" land to widen it. Mr. Haugland said he has met with Mr. Curtin and is aware of his concerns and will try to address them.

Commissioner Losnbury questioned Mr. Benshoof on what he believes is the best access scenario. Mr. Benshoof stated in his opinion the plan presented is best. Commissioner Losnbury asked Mr. Benshoof if another study should be done to determine which approach is best.

Mr. Curtin pointed out this proposal is still in preliminary stages with nothing "cast in stone" and told the Commission he still is persuaded parking will not be adequate especially as it relates to guest parking adding Mr. Haugland can also look at different access points.

Commissioner Brown asked how often a parking study has been conducted on the ramps. Ms. Aaker told the Commission Planning Staff has conducted a number of parking studies over the years. She added she believes the last study was conducted when renovations were made to the Edina theatre and other retail areas.

Mr. Martin Labelle, addressed the Commission and informed them he is a barber in Edina at the northwest intersection of France Avenue and 50th Street. Mr. Labelle said he has a real concern with regard to parking and told the Commission his clients already struggle to find adequate parking spaces. Mr. Labelle questioned if approved as presented where would the retail tenants park? He pointed out street parking on France Avenue is already limited. He stated in his experience the north ramp is heavily used and it isn't uncommon for clients to have to park on the Minneapolis side of the street.

Mr. Hosmar Brown, property owner in the area told the Commission he believes the proposal is good and the building is beautiful, but there are bigger issues at work here. He pointed out the 50th and France Avenue retail area used to be a quaint area that now has become an intersection. He said in his experience traffic in this area is already terrible and won't get any better. Mr. Brown said the proposed increase in density can only add to an already difficult traffic situation. Mr. Brown pointed out at 3PM traffic already begins piling up. Mr. Brown acknowledged the ramps are not always full but if the proposed plan eliminates any spaces that presents a problem. Mr. Brown said in his opinion more retail space isn't needed if parking spaces will be decreased, even by a few.

Commissioner McClelland commented in her opinion the traffic situation isn't a new problem, and it is possible with better intersection control traffic could be calmed.

Mr. Haugland told the Commission he is willing to look into some of the issues pointed out this evening, but informed the Commission there are not a lot of choices available to them. Mr. Haugland said one element that hasn't been mentioned is that Minneapolis doesn't have the ability to provide adequate parking to accommodate their retail and much of their parking needs are met in the City's municipal ramps. Mr. Haugland acknowledged there are a lot of cross over clients between the two cities, but it is a challenge for our side of the street. Mr. Haugland stated he continues to believe pedestrian flow should be encouraged between cities in a safe fashion, noting the parking is what it is.

Commissioner Schroeder said if he assumes correctly that the parking plan contained in the 50th and France Avenue plan was based on total build-out, which includes redevelopment of this corner. Ms. Aaker responded that is correct. Continuing, Mr. Schroeder said if he understands correctly this plan proposes a reduction of 3 or 4 parking spaces. Ms. Aaker answered that is correct, but pointed out the City's ramps have increased in parking capacity since that plan was drafted. Commissioner Schroeder commented as he views it any parking shortage should not be attributed to this project. He pointed out parking demand and in and outs could be greatly increased if, lets say a Culver's fast-food restaurant would replace Arby's. Ms. Aaker agreed, the 50th and France Avenue plan did include an increase in retail space.

Commissioner Fischer asked Ms. Aaker if the City of Minneapolis and Edina communicate. Ms. Aaker responded the City of Minneapolis sends the City of Edina notice of upcoming developments and we do the same.

Commissioner Fischer said in his opinion since the 50th and France Avenue plan was designed to include retail build-out the residential aspect of this proposal could be considered an improvement with regard to parking. Commissioner McClelland said agrees with that observation.

Commissioner Lonsbury commented it is true a residential element could be considered an improvement, but in his opinion there have been a lot of assumptions made with regard to the City's parking ramps and their capacity.

Commissioner Brown asked Ms. Aaker if she knows the total parking capacity for the City's ramps. Ms. Aaker responded she believes there were 889 parking spaces located in the ramps prior to the expansion of the north ramp. She pointed out this of course does not include on street parking spaces. Commissioner Brown said that while he has great respect for the developer and believes he will do an excellent job he is concerned the City is working from a plan developed in the 1970's.

Chair Byron asked Ms. Aaker if the cost was shared between the City and the retail property owners when the ramps were constructed and added on-to. Ms. Aaker responded that is correct. It was a joint venture. Commissioner Grabiell added that at least from his experience, he has always found parking availability in the ramps.

Ms. Aaker reiterated Planning Staff took ramp counts a number of times, adding the counts were not perfect but staff findings indicated that usually vacant parking spaces were found on the tops of the ramps. The overall capacity averages during "peak" times were between 65 and 75 percent with 92% percent occupancy during the holidays.

Commissioner Schroeder commented while reviewing the plans if it would be possible to move the trash storage area. Mr. Haugland responded in his opinion he doesn't believe that is possible because of the existing City easements. He pointed out that trash area is used by a number of tenants.

A discussion ensued between Commission Members with regard to issues on residential parking needs and if it would be possible to allow an area in the ramp for overnight guest or owner parking. It was suggested that some form of sticker be used to identify those vehicles. The discussion continued with Commission Members questioning how the voting should proceed. Should the requested ordinance amendment be handled separately or handled along with the requested Conditional Use Permit.

Chair Byron said in his opinion there is no reason to "do one without the other". He pointed out this is a project driven amendment to the zoning ordinance, we all know that, adding he has no problem handling them separately, but both should be acted on. Chair Byron said if handled separately the next question could be do we or do we not proceed on the specific proposal by Mr. Haugland.

Commissioner Lonsbury moved to recommend an amendment to the zoning ordinance adding residential dwelling units as a conditional use in the PCD 1,2, and 3 Districts. Commissioner McClelland seconded the motion. Commissioner Lonsbury stated he believes this is an appropriate action to take and directed attention to #3 of the proposed ordinance amendment. Commissioner Lonsbury said he would like to amend the proposed standards for residential dwelling units to read: "Dwelling units with a floor area of 1,500 feet or less shall provide a minimum of 1.75 fully enclosed parking spaces per unit. Dwelling units exceeding 1,500 square feet shall provide a minimum of 2.5 fully enclosed parking spaces per unit. Commissioner Lonsbury explained his reason for the increase is to ensure adequate parking spaces, especially as it relates to guest parking. **Commissioner McClelland said she has to withdraw her second, adding she is uncomfortable with those figures. Commissioner Brown seconded Commissioner Lonsbury's motion for purpose of discussion.** Commissioner McClelland stated that while she can agree guest parking is a concern she has difficulty requiring multi-residential facilities to exceed the parking standards required for R-1 properties in the City of Edina. Commissioner Lonsbury stated the Commission is recommending a change to the zoning ordinance, pointing out most R-1 properties in Edina have garages, driveways and access to street parking, which in total is more than 2 parking spaces per dwelling. Commissioner Lonsbury pointed out, at least in this situation, street parking is mostly unheard of.

Commissioner Schroeder questioned Commissioner Lonsbury's language statement of fully enclosed parking spaces and inquired if part of the ratio could include unenclosed parking spaces. **Commissioner Lonsbury said he has no problem with that suggestion, adding he amends his motion to read - for units over 1,500 square feet 2 fully enclosed spaces and ½ unenclosed parking spaces are required. For units under 1,500 square feet 1.5 fully enclosed spaces and ¼-unenclosed spaces are required.** Commissioner McClelland stated she still has a problem with that ratio, pointing out the public ramp can be used to accommodate guest parking, etc.

Commissioner Grabiell pointed out the proposed changes to the motion would at least at this point scratch this proposal. Commissioner Lonsbury stressed that is not his intent. He stated an amendment to the ordinance is requested and he is addressing by his motion only the proposed changes to the ordinance not the project. Commissioner Lonsbury stated in his opinion the redevelopment proposal before the Commission this evening is a good proposal and if approved the proposed changes to the ordinance amendment would allow the proponents the opportunity to redevelop with variances

Chairman Byron said for clarification unless the first motion is amended what is on the table is a motion and a second to amend the ordinance to read – for units over 1,500 square feet 2.5 fully enclosed spaces and for units under

1.500 square foot 1.75 fully enclosed spaces. Commissioner Lonsbury withdrew that motion.

Commissioner Brown moved to recommend adding residential dwelling units as a conditional use in the PCD-1, 2, and 3 Districts and standards for residential dwelling units # 3 to read. Dwelling units with a floor area of 1,500 square feet or less shall provide a minimum of 1.5 fully enclosed parking spaces per unit and ¼ unenclosed parking spaces per unit. Dwelling units exceeding 1,500 square feet shall provide a minimum of 2.0 fully enclosed parking spaces per unit and ½ unenclosed parking spaces per unit. Commissioner Lonsbury seconded the motion.

Commissioner Brown added his intent is to amend the amended ordinance, and in no way is it directed at this project.

Commissioner Grabiell reiterated if the motion before us is adopted what does that do to this proposal. Chair Bryon responded he is not sure and directed that question to Mr. Haugland. Mr. Haugland stated he doesn't believe it is fair to respond to that question. He said in all good faith they can't supply the parking. He pointed out the fully enclosed parking could possibly be met but the unenclosed parking would be impossible to meet.

Commissioner Lonsbury said the proposed motion to amend the ordinance doesn't take into consideration the proposal before the Commission this evening or for that matter any future proposals. He added as a city looking at redevelopment he believes it is important that adequate parking is provided, and his intent by this motion is limited to the ordinance amendment. Mr. Haugland said he has no response to the proposed changes to the amendment to the ordinance as stipulated by Commissioners Brown and Lonsbury.

Commissioner Byron said if he understands correctly, if adopted, absent the ability of this proposal to obtain variances to comply with the proposed amendment, what is dictated would be required. Mr. Haugland responded the development team would have to go back and re-visit the proposal and look into the possibility of eliminating one floor. Mr. Haugland said he believes in all confidence that won't occur and he would construct all commercial as dictated by the adopted 50th & France commercial area plan.

Commissioner Fischer said being new to the Commission he was somewhat surprised Edina had an ordinance prohibiting the mix of commercial with residential. Commissioner Fischer said in his opinion the parking requirements are and should be different in different zones of the city. He said the beauty of mixed use is that guests may arrive at hours businesses are not operating thereby avoiding congestion. Commissioner Fischer added he has a fear with the parking numbers suggested that no development or redevelopment for that matter could achieve those standards. He pointed out Edina is no longer

green fields. Commissioner Fischer concluded he may be wrong, but his intuition tells him those numbers are too high, acknowledging he can't tell you that factually.

Commissioner Schroeder echoed Commissioner Fischer's comments and stated in his experience the figures Commissioners Lonsbury and Brown are proposing are significantly higher than what most cities are looking at in terms of redevelopment. Commissioner Schroeder pointed out if parking ratios change as recommended this is not the only area in Edina that would have to follow those guidelines. He pointed out Edina is continually looking for opportunities to provide affordable housing. He pointed out if burdened with unnecessarily high parking ratios that may limit the ability of the city to redevelop other commercial areas where the square footage of the housing units and price are less than what is proposed this evening. Commissioner Schroeder said it is entirely possible Edinborough would not have been able to be developed under the requirements proposed by Commissioners Brown and Lonsbury.

Mr. Haugland told the Commission Mr. Benshoof has been working with developers on two projects in downtown Minneapolis and asked the Commission if they would like to hear how the parking was handled in those instances.

Mr. Benshoof addressed the Commission and explained at present he is working with developers on two high rise towers in downtown Minneapolis. Mr. Benshoof explained one project is complete "Grand Park", and the "Carlyle" proposed along the river near the Post Office is not complete. At Grand Park parking requirements are 1.35 spaces per unit regardless of unit size. Mr. Benshoof said the reason the parking requirement of 1.35 is due to the proximity of the development to downtown. It is believed for both projects that residents are people that won't require two vehicles. Many are move down buyers who consolidate to one car and address most of their needs locally on foot. Mr. Benshoof added at the Grand extra parking stalls are available. Mr. Benshoof said the Carlyle requires a larger parking ratio of 1.45 stalls per unit with the same concept - parking is based on unit numbers not size. Concluding, Mr. Benshoof reported he is finishing a project in Maple Grove with a parking requirement of 2 spaces per unit. It is felt in Maple Grove extra parking could be accommodated on the street. Maple Grove also has an ordinance that prohibits on street parking after midnight. Mr. Benshoof stated in his opinion the recommended parking ratio is high, especially for urban infill projects.

Commissioner Fisher cautioned against using this project to solve an existing parking problem. He said in his opinion the recommended 2.5 parking stalls (no matter the scale of the project) is the largest he has ever seen in terms of redevelopment. Commissioner Fischer added, and he may be wrong, that many of the perspective buyers will probably be "move down" from within the community that will embrace the near amenities.

Chair Byron called for a vote on the amendment to the zoning ordinance. Nays, Schroeder, Fischer, McClelland, Grabel, Byron. Ayes; Lonsbury, Brown. Motion failed.

Commissioner Grabel moved to recommend an amendment to the ordinance adding residential dwelling units as a conditional use in the PCD-1, 2, and 3 districts as indicated by staff. Commissioner Fisher seconded the motion. Ayes; Schroeder, Fischer, McClelland, Grabel and Byron. Nays, Brown, Lonsbury. Motion carried.

Chair Byron said Haugland Companies is before the Commission requesting a Conditional Use Permit and if no further discussion called for a motion.

Commissioner Grabel moved to recommend Conditional Use Permit approval subject to final adoption of an Amendment to the Zoning Ordinance, easements as required for building and public utilities and Watershed District Permit(s). Commissioner Fischer seconded the motion.

Commissioner McClelland said that while she is in support of the proposal she is hesitant to vote on this motion. She added, at least in her opinion, there are still some unanswered questions especially concerning the air and subterranean rights, exit on/off France Avenue and garbage/recycling placement.

Commissioner McClelland stated she believes this is a great redevelopment of the corner reiterating she is still hesitant and suggested continuing the hearing until some of issues are better addressed.

Commissioner Fischer questioned if this is the only time the Commission as a body will hear this proposal.

Chair Byron responded if he understands correctly staff recommends preliminary approval of the amendment to the Zoning Ordinance and preliminary approval of the Conditional Use Permit, which indicates this will return to the Commission when everything or nearly everything is in its final form. Commissioner Lonsbury added he agrees with that interpretation.

Commissioner Fischer said in his opinion a continuance at this time probably wouldn't change things in the preliminary stages. He added he agrees there are "loose ends" remaining but believes the proponent will resolve those issues. Continuing, Commissioner Fischer pointed out there is always the possibility that tomorrow a similar project could be proposed on the Minneapolis side of France Avenue without any input from the City. He added it is in our favor at this time that the review and approval process is in the hands of the City of Edina. Continuing, Commissioner Fischer said with all do respect to the business owners regarding parking, that he has never met a business owner that believe they have enough parking and he would be disappointed if business owners said they have enough parking. Commissioner Fischer pointed out in viewing the two

aerial photos the top decks of the ramps appear empty. He added he believes there is enough parking to support this project acknowledging that not all spaces could be considered convenient. Concluding, Commissioner Fischer said at this time he believes the submitted proposal is well done and designed with careful consideration. He stated he does not believe there are any reasons to delay this project.

Mr. Haugland said, as he understood from planning staff a final plan would need to be presented to the Commission and Council. Mr. Haugland apologized to the Commission for bringing up a number of issues in the preliminary stages that probably shouldn't have been brought up until they were resolved. He added he believes the air and subterranean easements will soon be resolved.

Chair Byron told the Commission he has been relatively slow in his own mind in appreciating the mixed-use concept. He added he now better understands the point often made that mixed use is a way to reduce density by mixing uses resulting in a positive impact on traffic and parking while at the same time allowing a property owner the ability to improve their property. Continuing, Chair Byron commented from the discussion this evening and in viewing projects in other communities that a proposal such as this appears to be very attractive to many people. Chair Byron commented when he received his packet containing the request for an amendment change and conditional use permit the first thing he did was drive France Avenue focusing on the southwest corner. Chair Byron added he was struck by the impression that this corner is crying out for redevelopment. He pointed out the age of the structures create the need for change. Chair Byron said the renovation on the Minneapolis (Pinehurst) side of the street appears to be generating redevelopment, which may continue along both sides of France in the future. Chair Byron agreed with observations on traffic congestion and wouldn't consider minimizing the present traffic situation but believes if done correctly this proposal should not exacerbate traffic or parking. Concluding Chair Byron said he supports the proposal.

Chair Byron called for the vote recommending approval of a conditional use permit subject to staff conditions: Ayes; Schroeder, Fischer, Grabiell, Brown Lonsbury, Byron. Abstain, McClelland. Motion carried.

LD-05-1

**Lot Division
6920 Hillside Lane
5524 West 70th Street**

Ms. Aaker informed the Commission the applicant proposes to transfer a strip of land measuring approximately 5 feet by 124 feet from the lot on Hillside Lane to the rear of the lot at 5524 West 70th Street.

Ms. Aaker concluded the proposed lot division would cure the encroachment of a brick patio and shed of the 70th Street house on the property of the house on Hillside Lane.

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

III. ADJOURNMENT:

The meeting adjourned at 10:00 PM

Commission Secretary