

**DRAFT MINUTES OF THE REGULAR MEETING  
OF THE EDINA PLANNING COMMISSION  
WEDNESDAY, AUGUST 27, 2003, 7:30 PM  
EDINA CITY HALL COUNCIL CHAMBERS  
4801 WEST 50<sup>TH</sup> STREET**

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**MEMBERS PRESENT:**

**Chair, Gordon Johnson, John Lonsbury, Ann Swenson, David Byron, Helen McClelland, David Runyan, Geof Workinger, William Skallerud, Stephen Brown**

**STAFF PRESENT:**

**Craig Larsen and Jackie Hoogenakker**

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**I. APPROVAL OF THE MINUTES:**

The minutes of the July 30, 2003, meeting were filed as submitted.

**II. NEW BUSINESS:**

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**S-03-4**

**Preliminary Plat for James W. Jones  
5205 Duncraig Road, Edina, MN**

**Two-Lot Subdivision**

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Mr. Larsen informed the Commission the subject property is a residential lot with a single dwelling located on the southerly portion of the lot. Mr. Larsen explained the proposed subdivision requires no variances; all lots meet or exceed neighborhood standards. Mr. Larsen noted the site contains steep slopes that will make building a home a challenge, however it should not have a large impact on the site.

Mr. Larsen concluded staff recommends preliminary plat approval subject to Final Plat Approval and Subdivision Dedication.

The proponent, Mr. James W. Jones was present to respond to questions.

Commissioner McClelland told the Commission she understands the lots meet and exceed neighborhood standards but she has a problem with the

irregular split. She pointed out the lots appear very unbalanced with the common lot line drawn as depicted.

Mr. Larsen said the reason the lines may have been drawn as presented is to accommodate our requirements. Mr. Larsen observed that while on paper the proposal may look unbalanced, in reality when one views these properties from the street the arrangement of the common line will not be noticed.

Commissioner Brown told the Commission he is uncomfortable with this rearrangement and prefers the more traditional lot line arrangements. Commissioner Brown said when you view this plat on paper it looks as if the lines were manipulated to meet ordinance requirements.

Mr. Larsen said one of the goals of the ordinance is to ensure there is enough space at the "building line". Continuing, Mr. Larsen said in this instance depth is not an issue but he is unsure if the line is rearranged if it will continue to meet code for width.

Commissioner McClelland said as she observes the proposal it occurs to her that the line could be rearranged at the 50-foot setback mark, meeting lot width requirements of 121 feet. It can be "straightened out" at that point creating more even lot configurations. She pointed out at present the lots are also unbalanced with regard to lot area. Lot 1 has a lot area of over 31 thousand square feet while Lot 2 has a lot area of 18 thousand square feet. She noted the smaller lot could in the future face problems if a homeowner desired to add on to the home.

Commissioner Skallerud commented that while it may make sense to rearrange the common lot line the plan presented this evening meets and exceeds ordinance standards. Continuing, Commissioner Skallerud questioned if the commission can "change" the configuration of a lot if the lot meets requirements. Commissioner McClelland interjected that in her opinion the proposed change creates better building pads. She added she has no problem with the proposed two-lot subdivision but has a problem with the way the lots lines are depicted. Commissioner Skallerud asked if the suggested "rearrangement" can be handled at the commission level or will the applicant have to return to the Commission with a redrawn plat. Commissioner Skallerud also questioned if the proponent is amenable to this change.

Mr. Larsen responded during a meeting the commission could recommend a revision to a proposal that does not change the proposal from what is presented (2-lot subdivision). Clarifying Mr. Larsen said the request is for a two-lot subdivision and even if the common lot line is "rearranged" at this time the proposal is still for two lots.

With the aid of graphics the recommended lot line rearrangement was shown to the proponent and commission.

Chairman Johnson asked Mr. Jones if he is amenable to the proposed change to the lot line. Mr. Jones said he has no problem with the proposed change as long as the change creates conforming lots.

Commissioner McClelland moved to recommend preliminary plat approval subject to final plat approval and subdivision dedication and recommending that the proposed property line from the southern corner to be parallel with the southern property line of 5205 Duncraig Road while keeping the Lot Width of 121 feet at the point of 50 feet from the front lot line of the proposed new lot. Commissioner Lonsbury seconded the motion.

A discussion ensued with regard to the motion and if additional amendments would be required. The proponent interjected and told commission members he has no problem with the motion and believes he understands what was requested.

All voted aye; motion carried.

Chairman Johnson suggested that the proponent work with staff on the lot line rearrangement and submit a letter agreeing to the motion as stated.

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**S-03-5                      Preliminary Plat for Bruce and Sandy Nelson  
5905 Lee Valley Road**

**Two-Lot Subdivision**

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Mr. Larsen reminded the commission the subject property was part of a proposed subdivision considered by the City in 2002. This property and the adjacent lot with frontage on Shannon Drive were considered in a proposed 5-lot subdivision. That proposal was eventually withdrawn and replaced with a lot division that reconfigured the two lots. At this time the new owners are proposing to subdivide their property to create another lot. Mr. Larsen explained the proposed subdivision creates the classic neck lot condition with Lot 2 gaining street access by a narrow 210-foot long strip of land. The zoning ordinance requires lot width to be measured at a point of 50 feet back from the front property line. This was done to discourage the creation of neck lots.

Concluding, Mr. Larsen said staff couldn't support the proposed subdivision as submitted.

The proponents, Bruce and Sandy Nelson were present.

Mr. Nelson addressed the commission and informed them he has been an Edina resident for over 20 years and with this proposal is providing an opportunity for someone to buy a large wooded lot in Edina. Mr. Nelson said in his opinion this is a “win-win” situation for everyone. Someone will be able to construct a new house of his or her choice in Edina while adding to Edina’s tax base. Mr. Nelson acknowledged the “neck lot” situation but pointed out in the area (Claredon Drive and the adjoining lot) there are other neck lots’ noting a precedent has already been set. Concluding, Mr. Nelson told the commission he hopes they can support his proposal.

Commissioner Skallerud asked Mr. Larsen who created this situation. Mr. Larsen responded the previous property owner requested a lot division creating the present configuration. That lot division was approved in 2002. Continuing, Mr. Larsen pointed out that while the configuration of this lot is unique it served a purpose enabling the adjoining lot access from Lee Valley Road.

Commissioner Skallerud asked the proponents their intention when they purchased the property. Mr. Nelson said when they purchased the property their intention was to construct one new home but after “getting a feel” for the land it appeared to them that another house on this lot made sense.

After a brief discussion Commissioner Swenson moved to recommend denial of the S-03-5. Commissioner Lonsbury seconded the motion.

Commissioner Byron said if his memory serves him correctly at the time the lot division was approved that created this lot and the adjoining lot configuration the Commission acknowledged a neck lot situation would be created but understood the challenges of the topography of these lots. Permitting a “neck lot” situation enabled the adjoining property access from Lee Valley Road where the terrain was less steep. Commission Byron pointed out that while the adjoining lot may appear on paper to have the configuration of a “neck lot” in reality it isn’t a neck lot because the lot in question also has ample frontage on Shannon Drive. Continuing, Commissioner Byron pointed out the subdivision request this evening is for two lots being served from Lee Valley Road and if the commission were to approve this we would be creating the traditional “neck lot”. That wasn’t our intent when the lot division reconfigured the subject lot and adjoining lot and it isn’t our intention now. Commission Byron said he couldn’t support the subdivision request.

Chairman Johnson called the vote. All members voted in favor of denying S-03-5. Motion to deny carried 8-0.

**C-03-1**                      **Conditional Use Permit**  
**Chapel Hills United Church of Christ**  
**6512 Vernon Avenue**

**Parking Lot Expansion/Re-Striping**

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Mr. Larsen informed the Commission the church is proposing to add 16 new parking spaces off a drive aisle in front of the church. Mr. Larsen explained any addition to the building or parking lot requires a review by the City via the Conditional Use process. Mr. Larsen concluded staff recommends approval of the Conditional Use Permit to add the proposed parking. Staff also recommends that when the new parking is added that the entire lot be striped.

Commissioner Byron moved to recommend Conditional Use Permit approval subject to the re-striping of the parking lot. Commissioner McClelland seconded the motion. All voted aye; motion carried.

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**C-03-2**                      **Conditional Use Permit**  
**Fellowship of Kings Church**  
**7300 Bush Lake Road**

**Amend Zoning Ordinance to Allow Religious**  
**Institutions in the PID Zoning District as a**  
**Conditional Use**

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Mr. Larsen informed the commission the church is requesting rezoning or other ordinance amendments that would allow them to use this site as a church. Staff feels the best approach to this would be to amend the zoning ordinance to allow religious institutions in the Planned Industrial District as a conditional use. This approach retains the PID zoning. Mr. Larsen asked the commission to note this is the approach the city takes with regard to churches and public buildings in the R-1 zoning district. Continuing, Mr. Larsen pointed out churches have traditionally been treated as a neighborhood based use, however more recently some churches have developed a more regional character and these churches can be quite large with activities running throughout the week. Parking and traffic impacts the adjacent neighborhood causing friction.

Mr. Larsen concluded staff recommends amending the zoning ordinance by adding a conditional use to the PID zoning district. The language would read “religious institutions, including churches, synagogues, chapels temples and mosques.

Mr. Dennis Batty, representing the church, Mr. Tim Peterson, Pastor, along with church members were present.

Mr. Batty addressed the commission and with the aid of graphics pointed out the subject site and adjoining properties. Mr. Batty explained the church would work within the envelope of the existing building; no additions to the building are planned. The entrance will be renovated to create a more visible traditional entrance and the exterior of the building will also be refurbished creating a more uniform building look. The outdoor tennis courts will be removed and replaced with parking stalls. Continuing, Mr. Batty pointed out referring to the site plan that the church is negotiating with the railroad to obtain a piece of their property that directly adjoins the church site. This piece of property, if acquired would be developed for additional parking stalls. Mr. Batty also informed the Commission the church has approached and is working with adjoining companies (Gassen Co., US Post Office) to lease additional parking space if the need arises. Mr. Batty noted the Post Office is also looking at a shared parking situation between us due to the closing of a Post Office site in St. Louis Park that now will be combined with the Edina site. Concluding, Mr. Batty said he believes this use is an excellent fit for the site. Church services will not coincide with normal business hours so traffic should not be a problem. Mr. Batty added he believes services will be held on Friday evenings along with Sunday services.

Chairman Johnson commented with regard to parking that the city may prefer to enter into a proof of parking agreement with the church. He pointed out traditionally the city wants to retain as much green space on a site as possible. Mr. Larsen responded that is correct, and if the commission were to approve this any agreements with adjoining property owners or railroad would run with the use of this site as a church.

Commissioner Brown asked if the commission were to recommend amending the ordinance could we say no to another church requesting to relocate to one of our industrial zoned sites. Mr. Larsen said by amending this ordinance to allow churches as a conditional use the city can reject a request. Continuing, Mr. Larsen said if churches were added as a principal use in the industrial zoning districts or the site were rezoned we could not prohibit or regulate that, reiterating as a conditional use the city is afforded greater protection.

Commissioner Runyan asked where the proposed church is currently located. Mr. Batty responded the church is currently located in Owatonna, Minnesota. Commissioner Runyan asked Mr. Batty how the congregation feels about the proposed "relocation". Mr. Batty said he believes church members are looking forward to this expansion. He explained at present there are currently 350 members. Mr. Batty told the commission with regard to a proof of parking agreement he is very sure the church would be very open into entering into that

type of agreement. Concluding, Mr. Batty said at this time it is felt by church members that there is more than adequate parking on site but they understand the concerns of city staff and have proceeded to enter into lease agreements with neighboring properties for parking.

Commissioner Workinger asked with regard to the mention of Friday services if Mr. Batty knows what time Friday services would be held. Mr. Batty said he believes the church is planning on an 8 pm service.

Commissioner Lonsbury asked if the Commission can limit the use of this church to just church use absent day-schools and day-care. He pointed out many of our larger churches operate schools and day care facilities seven days a week. Mr. Larsen said he believes the commission can limit approval to strictly church services and what they entail.

Commissioner McClelland said she agrees with staff that this should be handled as a conditional use permit and not a rezoning. She added she is against spot rezoning. She questioned if the commission were to recommend approving this proposal and if in the future the church vacated the site would the site revert back to the principle zoning. Mr. Larsen responded this site, if handled, as an amendment to the zoning ordinance would retain the PID zoning. The only thing we are creating if approved is churches as a conditional use in the planned industrial district. Zoning of this site is and would continue to be planned industrial.

Mr. Batty introduced the pastor of the church Mr. Tim Peterson.

Mr. Peterson said the church likes to present itself as a market place church that reaches out spiritually to the business community. Locating in a business area creates an opportunity to continue this mission.

Commissioner Byron asked Mr. Peterson how the church would use the site Monday through Friday. Continuing, Commissioner Byron asked if the church is planning to have some of the traditional church outreach services like AA or bible study, etc. Mr. Peterson said at this time they are not planning any outreach services but there could be some in the future. At present Mr. Peterson said the Owatonna church operates on Wednesday evenings and Sunday morning. He reiterated our focus is on the market place. Of course during church services day care and Sunday school is occurring. Monday through Friday it is believed there would be minimal events.

Chairman Johnson said that while it appears the church membership is not that large he believes staff still wants additional parking either via land sale between the church and railroad and/or leasing. Mr. Batty said at present the church is pursuing obtaining letter of intent with regard to parking. Mr. Peterson interjected and informed the commission the church has a letter of intent from

Gassen Inc. and is negotiating with others. Mr. Larsen added Chairman Johnson is correct in assuming the city wants to see as much parking as possible available. Continuing, Mr. Larsen said the City views this as a church with 990 seats in the sanctuary and that is how parking spaces are calculated. Mr. Batty pointed out if the railroad agrees to sell their land to the church at least 65 additional spaces would be added to the site.

Commissioner Swenson asked Mr. Larsen if this proposal requires two votes. Mr. Larsen said that is correct. One vote amends the ordinance and the other vote would allow this church as a conditional use in the PID zoning district.

Commissioner Byron pointed out to the proponents the street is posted no parking, which is one reason the commission is being so careful this evening with regard to parking. Commissioner Byron said he wants to ensure adequate parking for church members with minimal impact to the neighboring properties.

Commissioner Lonsbury moved to recommend amending the zoning ordinance to allow churches as a conditional use in the Planned Industrial Zoning district absent day-school and day care facilities that aren't run concurrently with church services. Commissioner Workinger seconded the motion. Upon roll call vote: Ayes, Lonsbury, Byron, McClelland, Runyan, Workinger, Skallerud, Johnson. Nays, Swenson, Brown. Motion to amend zoning ordinance approved 6-2.

Commissioner Swenson asked Mr. Larsen what the advantage is in allowing churches in the industrial zoning district. Mr. Larsen said the city has historically considered churches assets to our community. However, the makeup of churches has changed. Churches now offer many outreach services and the traditional Sunday services have expanded to "events" all days of the week. Mr. Larsen pointed out a number of churches in Edina have grown from a "neighborhood" church to a church with a more regional profile and that has created some issues for the residential neighborhoods they are permitted in. Continuing, Mr. Larsen said if one views this from a land use standpoint it makes sense. Traffic and parking situations will not be aggravated as a result of this amendment because church services are usually not offered during peak business hours. The majority of church business occurs on weekends when most businesses are not operating. This avoids conflict and congestion.

Commissioner Workinger said he agrees that churches are a valuable asset to the community and in his opinion if a specific site meets city requirements within any zoning district and a church desires to locate there it would be fine with him.

Commissioner Brown said in his opinion this isn't a good idea. He said he believes the mixing of a church with industrial zoning isn't good planning. He added permitting a church to locate in an industrial zoning district changes the

entire complexion of the industrial district. Commissioner Brown said the city should consider the future - 20 years out - and what the city would look like if this type of "spot" zoning were allowed.

Chairman Johnson pointed out at present a number of the City's churches lease off site parking spaces and run outreach facilities in different zoning districts. Commissioner McClelland also noted with the addition of the railroad land and lease agreements from neighboring properties parking is met. Commissioner Brown said in his opinion the commission can just say no.

Commissioner Byron moved to recommend conditional use approval subject to staff conditions 1) executed leases for a minimum of 150 off-site parking spaces and 2) conditional use permit shall expire when the lease terminates, with the additional caveat that when the railroad piece is acquired it is added as part of the parcel. Approval is also subject to the plans presented. Commissioner Lonsbury seconded the motion. Chairman Johnson told the proponents he would like a copy of the leases and agreement with the railroad filed with the city. Upon roll call vote; ayes, Lonsbury, McClelland, Runyan, Workinger, Skallerud, Johnson. Nays, Swenson, Brown. Motion carried 6-2.

### **III. ADJOURNMENT:**

The meeting adjourned at 9:20 pm

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Jackie Hoogenakker