

**DRAFT MINUTES OF THE REGULAR MEETING
OF THE EDINA PLANNING COMMISSION
WEDNESDAY, MAY 26, 2004, 5:30 PM
EDINA CITY HALL COUNCIL CHAMBERS
4801 WEST 50TH STREET**

MEMBERS PRESENT:

Chair, David Byron, Michael Fischer, John Lonsbury, Ann Swenson, David Runyan, Geof Workinger, Stephen Brown and William Skallerud

MEMBERS ABSENT:

Helen McClelland

STAFF PRESENT:

Kris Aaker and Jackie Hoogenakker

I. APPROVAL OF THE MINUTES:

The minutes of the April 28, 2004, meeting were filed as submitted.

II. NEW BUSINESS:

**LD-04-5 Richard and Karol Emmerich
 David and Mary Perkins**

**7300 Claredon Drive
7209 Schey Drive**

Ms. Aaker informed the Commission in May of 2002, the City approved a lot division that transferred a portion of the lot to the immediate south. The proponent is now requesting a similar division to acquire the rear portion of this lot on Schey Drive. The parcel slopes dramatically from east to west. Ms. Aaker concluded that staff supports the proposed lot line rearrangement and recommends approval.

The proponent, Mr. Emmerich, his son and nephew were present to respond to questions.

Mr. Emmerich addressed the Commission and explained the proposed lot division will square off his property. He explained the terrain in this area is very steep and of little use to the Perkins. Mr. Emmerich said he and his wife have resided on this property for many years; they enjoy gardening and have greatly expanded the area for gardens. He added the property was once the original

Dewey Hill home site. Concluding Mr. Emmerich said he loves his property and his hope is to remain in his home as long as possible.

Commissioner Skallerud asked Ms. Aaker if allowing this lot division would create a sub-dividable lot. Ms. Aaker said in the future that could be a possibility but the reasoning for the requested lot division is for the proponent to “square off” the lot to acquire more garden area.

Mr. Emmerich responded that is all honestly sometime in the future subdividing the property would be a possibility. Mr. Emmerich said at this time he has not desire to do that. His intent is to use the area to expand his gardens.

A discussion ensued over the possibility of subdividing this land in the future with the Commission acknowledging that possibility, noting at this time the request is for a lot division and if in the future an application is made for subdivision that subdivision request would be required to go through the process set forth by the City.

Commissioner Fischer moved to recommend lot division approval subject to the plan presented. Commissioner Swenson seconded the motion. All voted aye; motion carried.

III. OLD BUSINESS:

P-04-2 **Final Development Plan**
Murphy Automotive
5354 France Avenue, Edina, MN

Ms. Aaker informed the Commission the proponent has returned with a revised plan addressing the concerns expressed by the Planning Commission at their last meeting.

Ms. Aaker concluded if the Commission sees fit to approve the request approval should be conditioned on:

- Watershed district permits
- Long term lease for off-site parking
- No Sunday business operations
- No re-establishment of car wash or fuel service
- Closure to two (2) curb cuts nearest the intersection of 54th and France
- New pad for bus bench setback farther from France Avenue

- Increase parking setback along France Avenue to 5 feet to allow for a better planting bed
- Add over story trees to planting bays adjacent to France Avenue and 54th Street
- Remove and replace landscaping on the west
- Save and trim landscaping on the north side
- No accessory retail sales

The proponent, Mr. Tim Murphy was present to respond to questions.

Commissioner Swenson asked Ms. Aaker how staff would feel if Mr. Murphy did not obtain a long term parking lease with the church. Ms. Aaker said in staff's opinion the long-term lease agreement is crucial. The site would be too stressed if that lease weren't implemented, noting it is a condition of approval.

Commissioner Brown asked Mr. Murphy if he has a hard copy of the lease agreement with the church. Mr. Murphy said at this time he has a letter of intent. He explained due to varying reasons he has not been able to get a legal agreement in a recordable form.

Commissioner Skallerud told the Commission he really struggles with this proposal especially the size and magnitude of the variances. He added finding justification to approve this request is difficult for him.

Ms. Aaker commented that she understands Commissioner Skallerud's concerns. She explained for this site what must be done is to focus on the confines of the site, adding the "site is what it is". She explained the City's current ordinance doesn't really reflect the changes that have been occurring in the automobile/fuel service business. Ms. Aaker added the City has lost a number of gas stations over the years and the City has the desire to upgrade these "retail automobile" corners. Concluding, Ms. Aaker pointed out the proposal will upgrade the site and the use will be less intense.

Commissioner Skallerud said he understands and agrees with the need to upgrade our corners but believes in this instance the number of bays requested may be too dense. Continuing, Commissioner Skallerud said, as he understands from the last hearing that the number of bays really hinges on economics and he believes that should not be a variable in reviewing a proposal.

Commissioner Aaker acknowledged economics is tied to this, but pointed out on commercial sites economics is part of the equation, it can't be ignored. Ms. Aaker pointed out in focusing on this site the City acknowledges the site is zoned PCD-4, Planned Commercial District – 4 which is the proper zoning for an automotive operation of this nature. Ms. Aaker pointed out the site can't be made larger, reiterating it is what it is and in working with the property owner lessening the intensity was a plus while at the same time upgrading the corner.

Commissioner Lonsbury stated he agrees with the comment from Commissioner Skallerud with regard to economics and believes the Commission should focus on what is the best use of the site. Continuing, Commissioner Lonsbury pointed out this is a difficult site and acknowledged rezoning the site for another use may not be appropriate, Concluding, Commissioner Lonsbury said he is not entirely convinced that the site warrants the number of bays proposed.

Chairman Byron pointed out to the Commission the present use of the site, as an automotive facility, complies with the zoning of the site. Chairman Byron asked Mr. Murphy if he has any comments he would like to share with the Commission.

Mr. Murphy addressed the Commission and explained a death occurred in the family of the church representative who is working on the parking agreement. Mr. Murphy said when the parking agreement is finalized it will be legally recorded and a copy of that agreement will be given to City officials. Continuing, Mr. Murphy said if one “goes by the numbers” it does appear that the variances requested are rather dramatic but in reality the proposed use will lessen the traffic that occurs on this corner. Mr. Murphy stated he is willing to accept the 12 conditions recommended by staff. He explained a car repair facility operates differently from a full service gas station and reiterated with the elimination of the fuel pumps and car wash congestion will lessen. Mr. Murphy concluded the volume of cars presently using the site would decrease dramatically.

Commissioner Brown questioned what would happen to the lease agreement if “down the road” the present church decided to sell to another church or another type of use. Mr. Murphy said the leasing agreement would be a legally recorded document and for the length of the agreement that agreement would be honored regardless of who owns the property.

Commissioner Brown asked Mr. Murphy if the proposed facility could be smaller. Mr. Murphy said the proposed design increases efficiency. He explained one technician has two service bays. The reason for this is that two vehicles can be “worked on” at the same time. Mr. Murphy pointed out in this type of business there are periods of “down time” when the technician is waiting for parts, but with two bays per technician while waiting for parts for one vehicle another vehicle can be worked on. This also reduces the pulling in and out of bays, which reduces internal congestion, and the stacking of vehicles.

Commissioner Lonsbury pointed out the facility could only have two technicians, which would be four bays. Mr. Murphy acknowledged that is correct but not realistic.

Commissioner Skallerud commented that as he understands it not selling gas and eliminating the car wash is a plus for this corner. Mr. Murphy responded he agrees.

Commissioner Skallerud asked Mr. Murphy if signage has been considered. He pointed out the Grandview site appears heavily signed. Mr. Murphy responded this location is not affiliated with an oil company, which eliminates that type of signage. Continuing, Mr. Murphy said the proposed facility will be brick and stucco and signage will consist of the Murphy logo.

Commissioner Workinger asked Mr. Murphy if a pylon sign would be located on this site. Mr. Murphy said the pylon sign will be removed and replaced with a monument sign.

Chairman Byron asked Mr. Murphy if the fuel tanks would be removed. Mr. Murphy responded in the affirmative. Chairman Byron asked Mr. Murphy if the sign he is proposing is similar to the sign on the Noonan property (across West 54th street). Mr. Murphy responded the proposed monument sign is low, not more than 8 feet high, adding the height is probably the same height as the Noonan sign.

Commissioner Swenson commented she believes the question is - is this the best use of the site? She questioned what else would be viable on this site – it is zoned for a service station and if “down zoned” to a coffee shop or other commercial venture would that work? Commissioner Swenson said in her opinion the proposed use it right for this site. The proposed renovations to the site may be too dense, but the use is right.

Commissioner Workinger commented he lives in the neighborhood and in his opinion the proposed change in services on this site will reduce the congestion, which is a plus for the neighborhood.

Chairman Byron asked Ms. Aaker if after renovation lot coverage would become an issue. Ms. Aaker responded lot coverage is not an issue. Lot coverage after renovation continues to meet code.

Commissioner Runyan asked Mr. Murphy if he proposes to sell tires at this location. Mr. Murphy responded in the affirmative expanding that tires will be displayed in the interior of the building and stored outdoors in an enclosed area. Mr. Murphy added presently tires are sold at this facility and stored on site outdoors in an enclosed structure.

Commissioner Skallerud moved to recommend denial of the Final Development Plan. No second was offered to his motion.

Commissioner Fischer moved to recommend Final Development Plan approval subject to the 12 conditions recommended by staff, noting before renovation the long term lease with the church property must be in hand. Commissioner Runyan seconded the motion. All voted aye; motion carried.