



MINUTE SUMMARY
Edina Planning Commission
Wednesday, July 30, 2008, 7:00 PM
Edina City Hall Council Chambers
4801 West 50th Street

MEMBERS PRESENT:

Chair Lonsbury, Risser, Staunton, Schroeder, Fischer, Brown and Forrest

MEMBERS ABSENT:

Scherer, Grabiell and Sierks

STAFF PRESENT:

Cary Teague and Jackie Hoogenakker

I. APPROVAL OF THE MINUTES:

The minutes of the June 25, 2008, meeting were filed as submitted.

II. OLD BUSINESS:

**P-08-7 Final Development Plan
Murphy Automotive
5415 70th Street West, Edina, MN**

Staff Presentation

Planner Teague informed the Commission the applicant is proposing to build a one-story, 8,863 square foot automobile repair center with a car wash at 5415 70th Street West. The building would be made of stucco with brick accents. Planner Teague told the Commission the request requires a Final Development Plan with the following variances:

1. A minimum lot size variance from 50,000 square feet to 34,517 square feet to allow nine service bays on site.
2. A setback variance from a residential area from 110 feet to 75 feet.

Continuing Planner Teague reminded the Commission this item was tabled at last month's Planning Commission meeting to allow staff, time to provide the Commission with additional information to include if the two proposed rapid use oil bays are considered the same as "service bays", the amount of existing hard surface vs. new hard surface, noise, traffic analysis and landscaping.

With graphics Planner Teague presented to the Commission two other Murphy Automotive sites (Grandview site and 54th & France site) within the City of Edina that received Final Development Plan approval with variances.

Planner Teague concluded staff recommends approval of the Final Development Plan with variances for the redevelopment of 5415 70th Street West for an automobile service center based on the following findings:

- a. There is a unique hardship to the property caused by the existing location of the lot in relation to residential property across 70th Street.
- b. The variances would meet the intent of the ordinance because the building is reasonably sized given the lot area.
- c. The lot size variance is similar to the variances granted for two other Murphy Automotive Stations within the City of Edina at 5100 Vernon and 5354 France.
- d. The setback from residential property is an existing condition.
- e. There would be adequate parking to support the redevelopment.
- f. Landscaping on the site would be improved from existing conditions.

Approval of the Final Development Plan is subject to the following conditions:

- 1) Subject to staff approval, the site must be developed and maintained in conformance with the following plans, unless modified by the conditions below:
 - Site plan date stamped June 16, 2008.
 - Landscape plan date stamped June 16, 2008.
 - Building elevations date stamped May 30, 2008.
 - Grading plan date stamped June 16, 2008.

Any changes made to the building plans, including color would be subject to review and approval of a revised Final Development Plan by the Planning Commission and City Council

- 2) Submit a copy of the Nine Mile Creek Watershed District Permit. The city may require revisions to the approved plans to meet the District's requirements.
- 3) Hydraulic hoists, pits, lubrication, washing, repairing and diagnostic equipment shall be used and stored within a building.

- 4) The automotive center may not be operated between the hours of 11:00 P.M. and 6:00 A.M.
- 5) No merchandise shall be displayed for sale outside a building except in that area within four feet of the building.
- 6) No motor vehicles except those owned by the operators and employees of the principal use, and vehicles awaiting service, shall be parked on the lot occupied by the principal use. Vehicles being serviced may be parked for a maximum of 48 hours.
- 7) Body work and painting is prohibited.
- 8) All waste water disposal facilities, including sludge, grit removal and disposal equipment, must be approved by the city engineer prior to installation.
- 9) No sign may be illuminated between 10:00 pm and 7:00 am.
- 10) Per Section 850.10. Subd. 3.B of the City's Zoning Ordinance, a letter of credit, performance bond or cash deposit must be submitted in the amount equal to 150% of the proposed landscaping.
11. Elimination of one curb cut off Amundson Avenue, per the proposed site plan.

Appearing for the Applicant:

Rick Murphy, Murphy Automotive, and Steve Caspers, Murphy Automotive.

Applicant Presentation:

Mr. Caspers addressed the Commission and told them their findings indicate that an automotive service center-no gas generates less traffic than a gas station/service center combined. Mr. Caspers said their study also indicates that the majority of vehicle trips to their center come from a distance of two miles or less. Continuing, Mr. Caspers said the building was designed taking into account the potential for noise spillage, pointing out the proposed car wash is located on the side of the building that faces commercial and industrial. Mr. Caspers also pointed out the majority of bays do not face the residential properties across West 70th Street reducing noise impact.

Comments and Questions from the Commission:

Commissioner Forrest asked Mr. Caspers the hours of operation. Mr. Caspers responded the hours are M-F 7am – 8pm, Saturday, 8am – 5 pm. The facility is closed on Sunday. Commissioner Forrest questioned if the traffic analysis included vehicle test-drives. Mr. Caspers acknowledged vehicles are test driven, adding he doesn't believe those "trips" were counted.

Commissioner Risser acknowledged the increase in landscaping, adding she is still concerned with pollutants and the impact the loss of greenspace will have, especially during a large rain. Mr. Caspers explained an underground water

storage tank will be added to store and filter a one inch rain fall. Mr. Caspers pointed out the site also slopes down from West 70th Street before leveling out, adding the inclusion of the underground water storage tank (there isn't one presently), and the planting of trees/shrubs will mitigate the loss of greenspace

Chair Lonsbury asked Planner Teague if the proposed signage meets Code. Planner Teague responded all signage requires review, approval and permitting from the Planning Department, adding to the best of his knowledge a sign permit hasn't been applied for.

Chair Lonsbury addressed the Commission and audience, explaining the public hearing for this project was closed at the June 25, 2008, Commission meeting, and testimony was taken and recorded, however; he would like to offer the opportunity to anyone that didn't speak at the last meeting to speak now.

No one was present in the audience that hadn't spoken before.

A discussion ensued with Commissioners expressing concern that the Code for the PCD-4 zoning designation may need to be updated; pointing out the majority of gas stations/service centers in Edina probably do not meet Code, especially as they relate to lot size and proximity from residential properties. Further discussion focused on the question of if too much is being "squished" onto this lot, acknowledging Code may be out of date, but maybe a bay or two could be eliminated.

Commissioners reiterated the applicant has two other facilities in Edina that received Final Development Plan and variance approval and in this instance what is proposed isn't drastically different from what exists and the transitional function of the site as an automotive center isn't being changed.

Commissioner Staunton moved to recommend Final Development Plan approval with variances based on staff findings and subject to staff conditions, noting approval is based in large part on the fact that the Commission and Council have approved Final Development Plans with variances on two separate occasions and two separate facilities owned and operated by the applicant, and all landscaping is to be reviewed and approved by the City Engineer to ensure that proper drainage is being met, not only with the underground rain storage tank but also implementing some form of rain garden. It is further suggested that the City take another look at the Zoning Ordinance as it relates to the PCD-4 zoning district. Commissioner Fischer seconded the motion. Ayes; Staunton, Fischer, Schroeder, Brown. Nays; Risser, Forrest and Lonsbury. Motion carried.

**P-08-6 Revised Final Development Plan
Mike Palm/Rink Properties LLC**

Staff Presentation :

Planner Teague informed the Board on August 15, 2006, the City Council, per the recommendation of the Planning Commission, approved a Final Development Plan and variance to build a rigid frame (temporary) structure as a third indoor ice rink at the Minnesota Made Ice Center at 7300 Bush Lake Road.

Planner Teague explained at this time the applicant is now proposing to build a permanent structure in the same location. This structure would include indoor seating, which was not included in the original plan. Spectator seating requires a variance. Variances were granted to allow spectator seating in the first two rinks built on this site. Planner Teague reminded the Commission this item was tabled at last month's Planning Commission meeting for the applicant to provide the following additional information: a revised landscape and circulation plan, and looking into secondary entrances.

Concluding Planner Teague told the Commission staff continues to recommend approval of the revised Final Development Plan to build a third rink for Minnesota Made Ice Center with spectator seating at 7300 Bush Lake Road based on the following findings:

- 1) With the exception of the variance for spectator seating, the proposal would meet the required standards and ordinances for a Final Development Plan.
- 2) The proposal meets the required standards for a variance, because:
 - a. The proposed use is reasonable, given the existing two rinks on the site contain spectator seating. The proposed new rink would have a similar capacity to the first two rinks.
 - b. There would be adequate parking to support the new rink and seating.
 - c. Existing roadways would support the project.
- 3) The proposed building would match the existing structures.
- 4) On-site circulation proposed would be an improvement over existing conditions.

Approval of the Final Development Plan is also subject to the following conditions:

- 1) The site must be developed and maintained in conformance with the following plans, unless modified by the conditions below:
 - Site plan date stamped August 8, 2008.
 - Building elevations date stamped July 2, 2008.
 - Grading plan date stamped August 8, 2008.
 - Landscape plan date stamped August 11, 2008.
- 2) Submit a copy of the Nine Mile Creek Watershed District Permit. The city may require revisions to the approved plans to meet the District's requirements.
- 3) A Class I standpipe hose connection must be installed at the doors on the south end of the new building, as required by the fire marshal.
- 4) Per Section 850.10. Subd. 3.B of the City's Zoning Ordinance, a letter of credit, performance bond or cash deposit must be submitted in the amount equal to 150% of the proposed landscaping prior to issuance of a certificate of occupancy for the building.
- 5) The secondary entrances must be signed, and remain open when the parking lots on the north and west side of the building are in use.

Appearing for the Applicant:

Mr. Peter Hilger and Mr. Bernie McBain were present representing Rink Prop.

Applicant Presentation:

Mr. Hilger addressed the Commission and explained in the community and metropolitan area there is a need for ice time, adding the proposal before them this evening is to construct a permanent structure instead of the previously approved temporary structure. Continuing, Mr. Hilger explained the entire parking lot will be resurfaced, adding they also will comply with the landscaping plan as suggested by staff as a condition of approval.

Comments and Questions from the Commission:

Commissioners expressed concern that the current landscaping doesn't meet Code, adding they also have reservations on access to the facility and the circulation pattern of the parking lot. Commissioners also expressed concern over the potential for vehicles to park on Bush Lake Road, pointing out the parking lot is large; however, many of the parking spaces aren't located for easy access to the front door.

Mr. McBain with graphics pointed out the entrance to the parking lot and acknowledged patrons do park on Bush Lake Road during tournaments, adding "No Parking" signs are posted during tournaments to eliminate street parking, but street parking does occur. Continuing, Mr. McBain stated in his opinion the only

difference with this proposal from the previously approved proposal is that this structure is permanent, not temporary, adding this will be their best arena. Concluding, Mr. McBain also acknowledged circulation and parking spaces can be an issue, however, he informed the Commission there are a number of entrances to the center, not just the entrance at the front.

Public Comment:

Chair Lonsbury asked if anyone in the audience would like to speak to the proposal. No one was present.

Commissioner Brown moved to close the public hearing. Commissioner Forrest seconded the motion. All voted aye; motion carried.

A brief discussion ensued on the spectator seating acknowledging spectator seating is present in the other two ice rinks.

Commissioner Brown explained he is the Commission liaison to the Transportation Commission adding at their last meeting the Transportation Commission addressed this proposal and recognized this site has accessibility issues and internal circulation challenges.

A discussion ensued with Commissioners expressing the following:

- Landscaping. Commissioners agreed with staffs' assessment that the site as it exists today is sparse. Commissioners recommended as a condition of approval that the applicant meet Code and resubmit a landscaping plan to Code.
- Re-stripping of the lot. Commissioners suggested that the Centers parking lot be re-stripped, adding in their opinion diagonal stripping would work best.
- Circulation. Commissioners suggested that the applicant meet with the City Engineer to redesign the interior circulation of the parking lot. It was further suggested by the Commission that flow on site should be one-way traveling north.
- Safety. Safety is an issue especially when children are dropped off and parents go to park. Commissioners noted Mr. McBain indicated there are secondary doors around the building, adding those doors should be used more with the suggestion that the doors be more easily identified as entrances with an awning or a number system similar to the number system seen on school buildings with multiple entrances.

Mr. McBain acknowledged that parking and circulation has been an issue.

Chair Lonsbury said at this time he is uncomfortable voting on this proposal with so many unanswered issues on the table. Chair Lonsbury suggested that the

proponents request that the Commission table their request allowing them time to answer the issues raised on landscaping, parking, circulation and building entrances.

Mr. Hilger and Mr. McBain stressed that they are on a time table. Chair Lonsbury reiterated he is uncomfortable in making a decision one way or the other with inadequate plans. Commissioners expressed agreement with the Chair.

Commission Action:

Mr. Hilger told the Commission he would like this issue tabled to the next meeting of the Planning Commission.

Commissioner Fischer moved to table P-08-6 to the August 27, 2008, meeting of the Planning Commission. Commissioner Brown seconded the motion. All voted aye; motion to table carried.

III. NEW BUSINESS:

**P-08-6 Final Development Plan and Final Rezoning
 Crosstown Medical LLC
 4010 65th Street West, Edina, MN**

Staff Presentation:

Planner Teague presented his staff report reminding the Commission the proposed project has received Preliminary Approval by the City Council, per Planning Commission recommendation. Planner Teague stated the proposal requires the following:

1. Final Rezoning from Planned Office District -1 (POD-1) to Regional Medical District (RMD). The Fairview parking ramp rezoning is not requested, per Planning Commission and City Council recommendation.
2. Final Development Plan with variances from the RMD standards

Planner Teague explained per the recommendation of the Planning Commission and the City Council, the applicant has addressed concerns over the height of the parking ramp. Thirteen (13) feet of height have been taken off the parking ramp, and six (6) feet off of the stairwell. The Commission should also note that by reducing the height of the parking structure, the size of the variances requested for the parking structure is also reduced; however they are now short 20 parking stalls.

Planner Teague concluded staff recommends that the City Council approve the Final Development Plan and Rezoning for the proposed Crosstown Medical building at 4010 65th Street West based on the following findings:

1. The rezoning would be an extension of the RMD district to the east.
2. The rezoning would be consistent with the City's guide plan.
3. The increase in density could be supported by existing roadways, as determined in the traffic study done by Wenck and Associates.
4. The rezoning would be consistent with the public health, safety, and welfare.

Approval is also subject to the following conditions:

1. The site must be developed and maintained in conformance with the following plans, unless modified by the conditions below:
 - Site plan date stamped June 30, 2008.
 - Grading plan date stamped June 30, 2008.
 - Landscaping plan date stamped June 30, 2008.
 - Building elevations date stamped July 17, 2008.
 - Roof plan date stamped June 30, 2008
2. The following must be submitted to the city before the city issues a building permit:
 - a. A final landscape plan for staff approval. Additional over-story coniferous trees must be planted along the north lot line to further break up the mass of the structure, and provide year round screening.
 - b. A copy of the recorded resolution with the county.
3. The property owner is responsible for replacing any required landscaping that dies.
4. Submit a copy of the Nine Mile Creek Watershed District permit. The city may require revisions to the approved plans to meet the district's requirements.
5. All storm water from this site must be treated on-site.
6. Compliance with the conditions required by the City engineer in his memo dated May 22, 2008.
7. Compliance with the conditions required by the Transportation Commission.
8. The design and construction of the entire project must be done with the Sustainable Initiatives as outlined in the applicant's narrative within the staff report.
9. Trail and sidewalk connections must be included as demonstrated on the preliminary plans. Public easements must be established over all public sidewalks.
10. All buildings must be built with sprinkler systems, subject to review and approval of the Fire Marshal.

11. Per Section 850.10. Subd. 3.B of the City's Zoning Ordinance, a letter of credit, performance bond or cash deposit must be submitted in the amount equal to 150% of the proposed landscaping.
12. Off-street provision of 19 bicycle parking spaces must be provided on site, subject to approval of the City engineer.

Planner Teague stated staff also recommends that the Zoning Board of Appeals and the City Council approve the following variances at 4010 65th Street West for Crosstown Medical LLC:

1. Front building setback variance from 74 feet to 52 feet. (A 22-foot variance.)
2. Rear building setback variance from 74 feet to 20 feet. (A 54-foot variance.)
3. Side building setback variance from 74 feet to 20 feet. (A 54-foot variance.)
4. Front parking structure setback variance from 67 feet to 18 feet. (A 49-foot variance.)
5. Rear parking structure setback variance from 67 feet to 20 feet. (A 47-foot variance.)
6. Side parking structure setback variance from 57 feet to 10 feet. (A 47-foot variance.)
7. A side yard drive-aisle setback variance from 10 feet to 3 feet. (A 6.7-foot variance.)
8. Minimum tract area variance from 10 acres to 2 acres (An 8 acre variance.)
9. A parking stall variance from 393 stalls to 373 stalls. (A 20-stall variance.)

variance approval is based on the following findings:

1. There is a unique hardship to the property caused by the shape and limited depth of the lot, especially the western half of the site.
2. The variance would meet the intent of the ordinance because the building is reasonably sized given the allowed FAR in the RMD district is 1.0. The proposed FAR is .85.
3. The height of the ramp and building are generally consistent with buildings and ramps in the area.
4. The site's location adjacent to Crosstown Highway 62.
5. The high water table prevents the parking from being constructed under ground.
6. The site is an extension of the RMD District to the east.
7. The site would have adequate parking.

Appearing for the Applicant:

Mark Hansen, Mohagen Hansen Architectural Group, Allan Hill and Dr. Holte were present representing Crosstown Medical LLC

Comments and Questions from the Commission:

Commissioner Risser asked Planner Teague the number of residents that expressed concern about noise emitting from the Fairview Southdale Hospital parking ramp. Planner Teague responded to date he has received two calls from residents that indicated since Fairview Southdale constructed the parking ramp their neighborhood is noisier. They expressed concern that the proposed parking ramp would do the same.

Commissioner Schroeder questioned if the site would be irrigated. Planner Teague responded in the affirmative.

Commissioner Brown told the Commission he will abstain from the vote, but will participate in the discussion.

Applicant Presentation:

Mr. Hansen and Mr. Hill gave a power point presentation re-highlighting the project and highlighting the changes to the plan including a major change that eliminated one level of the parking ramp.

Public Comment:

Chair Lonsbury asked if anyone was present that would like to speak to the project. No public was present.

Commission Comments:

Chair Lonsbury commented that at the previous meeting of the Commission he voted against the project, but since the project has received Preliminary Development Plan approval from both the Commission and Council he can support the final project as presented. Chair Lonsbury added he continues to believe the project is too dense for the site. Concluding, Chair Lonsbury complimented the design team on their thorough job in presenting the project and responding to comments from the Commission and Council.

Commissioner Risser also complimented the applicants on reducing the height of the supporting ramp.

A discussion ensued with the majority of Commissioners expressing their support for the proposal and complimenting the design team on the project.

Commission Action:

Commissioner Fischer moved to recommend Final Rezoning and Final Development Plan approval with variances based on staff findings and subject to staff conditions including amended #5. Commissioner Forrest seconded the motion.

Further discussion:

Commissioner Schroeder suggested that an additional finding be added, that one item he found interesting about the proposal was the LEED scoring that identified points taken for access to bike and transit, however; they didn't accommodate that in the parking accounts, indicating they are 20 spaces short. Being so close to mass-transit with bicycle parking would offset the loss of those spaces even though the proponents identified they don't need that many parking spaces. Commissioners Fischer and Forrest agreed with that addition.

Chair Lonsbury asked the Commission if they feel their input is needed with regard to landscaping, especially along the Crosstown Highway. Commissioners indicated they were comfortable with the plans as presented and staff handling review and implementation.

Chair Lonsbury noted the applicant appears to have brought an exterior building materials board and asked the applicants if they would show the materials to the Commission. Mr. Hansen presented the Commission their exterior materials board; highlighting the louvers that will be constructed in the ramp. Mr. Hansen acknowledged that at this time they haven't settled on the exact louver that would be used in the ramp.

Ayes; Risser, Schroeder, Fischer, Forrest, Lonsbury. Nay Staunton. Abstain, Brown. Motion carried.

**S-08-4 Preliminary Plat
 Westin Galleria
 3510 Galleria**

Staff Presentation:

Planner Teague informed the Commission the applicant is proposing a plat for the final development plan for the project that was approved by the City Council

on March 6, 2006. The plat simply creates tracts for the various uses, and elevations within the project. No changes are proposed from the originally approved plans.

Planner Teague told the Commission the proposed plat is the same as was approved for the Haugland project at 50th and France. That property was also platted after it was build to establish precise lot lines.

Planner Teague concluded that staff recommends that the City Council give preliminary approval to the Registered Land Survey, date stamped June 30, 2008 subject to the following condition:

1. The city must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.

Public Comment:

None.

Commission Action:

Commissioner Fischer moved to recommend Preliminary Plat approval subject to staff conditions. Commissioner Brown seconded the motion. All voted aye; motion carried.

**C-08-2 Conditional Use Permit
Edina Public Schools
5701 Normandale Road**

Staff Presentation:

Planner Teague informed the Commission the Edina Public Schools are proposing to build a 50 x 40 foot maintenance and storage building adjacent to the existng tennis courts on Concord Avenue adjacent to the school. The request requires a conditional use permit.

Planner Teague concluded staff recommends that the City Council approve the Conditional Use Permit to build a metal accessory building at 5701 Normandale Road for Edina Public Schools based on the following findings:

1. The proposal meets the Conditional Use Permit conditions per Section 850.04 Subd. 4.E, of the Edina Zoning Ordinance.
2. The proposal meets all applicable Zoning Ordinance requirements.

Approval is also subject to the following conditions:

1. Record the approving resolution with the county.
2. The building must meet all applicable building permit requirements.
3. Planting of additional pine trees on the north and east side of the building, to help break up the mass of the structure.

Appearing for the Applicant:

Karen Southerland was present representing Edina Public Schools

Commission Comments:

A discussion ensued with Commissioners pointing out they believe there are other locations on the campus where the proposed maintenance building could be placed and questioned why the proposed maintenance building isn't landscaped as required for other properties. Commissioners also questioned the lack of detail in the plans, pointing out elevations were not provided so the Commission and public has to "guess" how the building will look.

Continuing, Commissioners acknowledged (as depicted by staff) that these type of buildings have been constructed at a number of campuses during the School Districts reconstruction period; however, this building is "after the fact", reiterating in their opinion the plans are not adequate and the School District didn't adequately clarify why they believe this location is best.

Planner Teague told the Commission staff did suggest other locations for the maintenance building; however, the School District indicated this location is best.

Public Comment:

Chair Lonsbury asked if anyone was present that would like to speak to this issue. No public was present.

Additional Comments:

Ms. Southerland addressed the Commission and acknowledged the School District feels that the proposed location is best. Ms. Southerland added she believes the proposed maintenance building will be built into the hill.

Commissioners reiterated in their opinion the plans presented are not adequate, pointing out this neighborhood has went through a lot of major construction, adding they would like the maintenance building constructed in the best location with minimal impact.

Chair Lonsbury said it may be wise to table this issue to allow the School District time to provide the City with plans that show elevations, landscaping etc. Commissioners agreed with Chair Lonsbury.

Commission Action:

Commissioner Staunton moved to table C-08-2 to the meeting of the Planning Commission on August 27, 2008. Commissioner Brown seconded the motion. All voted aye; motion carried.

IV. INTERGOVERNMENTAL BUSINESS:

Chair Lonsbury acknowledged back of packet materials.

V. PUBLIC COMMENT:

Ms. JoEllen Dever, 7405 Oaklawn Avenue told the Commission she applauds Cypress Equities for the fine job they did on the parking ramp, noting how nice the louvers look.

VI. ADJOURNMENT:

Commissioner Risser moved adjournment at 10:00 PM

Submitted by