

REPORT / RECOMMENDATION



To: MAYOR AND COUNCIL

Agenda Item #: VI.D.

From: Cary Teague, Community Development Director

Action

Discussion

Information

Date: October 14, 2013

Subject: PUBLIC HEARING – Resolution No. 2013-103 – Preliminary Plat and Variances, 5820 Brookview Avenue; AKARE Companies LLC on behalf of John Peterson.

Action Requested:

Adopt the attached resolution.

Information / Background:

AKARE Companies LLC on behalf of John Peterson is proposing to subdivide the property at 5820 Brookview Avenue into two lots. The existing home would be torn down, and two new homes built on the new lots. (See applicant narrative and plans on pages A5–A12 of the Planning Commission staff report.) To accommodate the request the following is required:

1. A subdivision;
2. Lot width variances from 75 feet to 50 feet for each lot; and
3. Lot area variances from 9,000 square feet to 6,711 square feet for each lot.

Both lots would gain access off Brookview Avenue. Within this neighborhood, the median lot area is 6,725 square feet, median lot depth is 134 feet, and the median lot width is 50 feet. (See attached median calculations on pages A10–A12.) The new lots would meet the median width and depth, but would just fall short of the median lot size.

Planning Commission Recommendation:

On July 24, 2013, the Planning Commission recommended approval of the Preliminary Plat. (Vote: 8-1.)

ATTACHMENTS:

- Resolution No. 2013-103
- Draft minutes from the September 25, 2013 Edina Planning Commission meeting
- Planning Commission Staff Report, September 25, 2013



**RESOLUTION NO. 2013-103
APPROVING A PRELIMINARY PLAT WITH VARIANCES
AT 5820 BROOKVIEW AVENUE**

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, as follows:

Section 1. BACKGROUND.

- 1.01 AKARE Companies on behalf of John Peterson is requesting a Preliminary Plat of 5820 Brookview Avenue divide the existing parcel into two lots.
- 1.02 The following described tract of land is requested to be divided:

Lots 6 and 7, Block 2, FAIRFAX Addition, Hennepin County, Minnesota.
- 1.03 The owner of the described land desires to subdivide said tract in to the following described new and separate parcels (herein called "parcels") described as follows:

Lots 1 and 2, Block 1, Eldridge 6th Addition.
- 1.04 The proposed subdivision requires the following variances:
 1. Lot width variances from 75 feet to 50 feet for each lot.
 2. Lot area variances from 9,000 square feet to 6,711 square feet for each lot.
- 1.05 On September 25, 2013, the Planning Commission recommended approval of the Preliminary Plat and Variances on a Vote of 8-1.

Section 2. FINDINGS

- 2.01 Approval is based on the following findings:
 1. Except for the variances, the proposal meets the required standards and ordinance for a subdivision.
 2. The subdivision would meet the neighborhood medians for lot width and depth and nearly meet the median area.
 3. The proposal would restore the property back to the form of the original plat, which included two lots.
4. The proposal meets the required standards for a variance, because:

- a. The practical difficult unique to the property is caused by the existing size of the property which is two times the size of every lot on the block. This is caused by the original property owner, who combined two lots into one.
- b. The requested variances are reasonable in the context of the immediate neighborhood. The existing lot is both larger and wider than most properties in the area, including nearly every lot on the block. The proposed subdivision would result in two lots more characteristic of the neighborhood.
- c. The proposed lots would be the same size as the lots were originally platted.
- d. The variances would meet the intent of the ordinance because the proposed lots are of similar size to others in the neighborhood.
- e. If the variances were denied, the applicant would be denied a use of his property, a 50-foot wide lot, which is common to the area. In addition, the applicant would be denied a subdivision with variances that has been previously approved by the City, including the same request for a subdivision with variances that were approved right across the street in 2011.

Section 3. APPROVAL

NOW THEREFORE, it is hereby resolved by the City Council of the City of Edina, approves the Preliminary Plat and requested Variances for the proposed subdivision of 5820 Brookview Avenue.

Approval is subject to the following Conditions:

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.
2. Prior to issuance of a building permit, the following items must be submitted:
 - a. Submit evidence of Minnehaha Creek Watershed District approval. The City may require revisions to the preliminary plat to meet the district's requirements.
 - b. A curb-cut permit must be obtained from the Edina Engineering department.
 - c. Utility hook-ups are subject to review of the city engineer.
 - d. Grading and drainage plans specific to any proposed house would be reviewed at the time of building permit, and shall be subject to review and approval of the city engineer. Drainage from any new home, garage or driveway would have to be directed to Brookview Avenue.

Adopted this ___ day of _____, 2013.

ATTEST: _____
Debra A. Mangen, City Clerk

James B. Hovland, Mayor

STATE OF MINNESOTA)
COUNTY OF HENNEPIN)SS
CITY OF EDINA)

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina do hereby certify that the attached and foregoing Resolution was duly adopted by the Edina City Council at its Regular Meeting of _____, 2013, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this ___ day of _____, 2013.

City Clerk



PLANNING COMMISSION STAFF REPORT

Originator Cary Teague Director of Planning	Meeting Date September 25, 2013	Agenda # VI.A
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INFORMATION & BACKGROUND

Project Description

AKARE Companies LLC on behalf of John Peterson is proposing to subdivide the property at 5820 Brookview Avenue into two lots. (See property location on pages A1–A4.) The existing home would be torn down, and two new homes built on the new lots. (See applicant narrative and plans on pages A5–A12.) To accommodate the request the following is required:

1. A subdivision;
2. Lot width variances from 75 feet to 50 feet for each lot; and
3. Lot area variances from 9,000 square feet to 6,711 square feet for each lot.

Both lots would gain access off Brookview Avenue. Within this neighborhood, the median lot area is 6,725 square feet, median lot depth is 134 feet, and the median lot width is 50 feet. (See attached median calculations on pages A10–A12.) The new lots would meet the median width and depth, but would just fall short of the median lot size.

Surrounding Land Uses

The lots on all sides of the subject properties are zoned and guided low-density residential.

Existing Site Features

The existing site contains a single-family home and detached garage. (See pages A4 and A6.) These structures would be removed.

Planning

Guide Plan designation: Single-dwelling residential
Zoning: R-1, Single-dwelling district

Lot Dimensions

	Area	Lot Width	Depth
REQUIRED	9,000 s.f.	75 ft	134 ft
Lot 1	6,711 s.f.*	50 ft*	134 ft
Lot 2	6,711 s.f.*	50 ft*	134 ft

** Variance Required*

Grading/Drainage and Utilities

Grading and drainage plans specific to any proposed house would be reviewed at the time of building permit. Drainage from any new home, garage or driveway would have to be directed to Brookview Avenue. Sewer and water are available to the site. Specific hook-up locations would be reviewed at the time of a building permit for each lot. A Minnehaha Creek Watershed District permit would also be required.

History of Subdivision Requests in the Area

The City of Edina has considered several subdivision requests with variances in this area. (See attached area map showing this locations of these requests on page A13.) The following is the history in the past seven years:

Requested Subdivisions in the last seven years

1. In 2006, the property at 5901 France Avenue received variances to build four (4) 66-foot wide lots consistent with the area. (**Median = 9,269 s.f. & 73 feet wide.**)
2. In 2008, 6120 Brookview Avenue was proposed to be divided into two (2) 50-foot lots by Bravura Construction; however, the applicant withdrew the request before action was taken. (**Median = 6,700 s.f. & 50 feet wide.**)
3. In 2009, a 100-foot lot at 5920 Oaklawn was granted variances to divide into two (2) 50-foot lots. (**Median = 6,699 s.f. & 50 feet wide.**)

4. In 2011, the property at 5829 Brookview was granted variances to divide into two (2) 50-foot lots. (**Median = 6,769 s.f. & 50 feet wide.**)

5. In 2012, the property at 6109 Oaklawn was denied their request to subdivide the property into two (2) 50-foot lots. (**Median = 6,701 s.f. & 50 feet wide.**)

6. In 2012, 6120 Brookview was again proposed for subdivision. That request was denied. (**Median = 6,700 s.f. & 50 feet wide.**)

7. In 2012, the property at 5945 Concord Avenue was denied their request to subdivide the property into two (2) 50-foot lots. (**Median = 10,028 s.f. & 50 feet wide.**)

Within the above requests 1-6, the medians were similar in size to that of the subject request. The request highlighted in red and underlined above (#4) was the property that was subdivided across the street from the subject property.

Primary Issue

- **Are the findings for a variance met?**

Yes. Staff believes that the findings for a Variance are met with this proposal.

Per state law and the Zoning Ordinance, a variance should not be granted unless it is found that the enforcement of the ordinance would cause practical difficulties in complying with the zoning ordinance and that the use is reasonable. As demonstrated below, staff believes the proposal meets the variance standards, when applying the three conditions:

a) *Will the proposal relieve practical difficulties that prevent a reasonable use from complying with the ordinance requirements?*

Yes. Reasonable use does not mean that the applicant must show the land cannot be put to any reasonable use without the variance. Rather, the applicant must show that there are practical difficulties in complying with the code and that the proposed use is reasonable. "Practical difficulties" may include functional and aesthetic concerns.

The practical difficulty is due to the fact that the subject property is double the size of all nearly all the lots on this block. This area was originally platted with

50-foot lots, including the subject property. (See page A14.) There are a couple of 75 foot wide lots to the east. (See page A2.)

The requested variances to split this lot are reasonable in the context of the immediate neighborhood. The existing lot is both larger and wider than other properties in the immediate area. The proposed subdivision would result in two lots more characteristic of the neighborhood and original plat. If the variances were denied, the applicant would be denied a subdivision of his property of which the lots would be the same as existing lots in the area.

In 2011 a property across the street at 5829 Brookview was approved for the exact subdivision and variances requested by the applicant. Additionally, in 2009, a similar subdivision and variances were granted at 5920 and 5924 Oaklawn. Therefore, to deny these variances would deny the applicant a subdivision that has been recently approved by the City. (See approved subdivisions on page A13.)

b) *There are circumstances that are unique to the property, not common to every similarly zoned property, and that are not self-created?*

The condition of this oversized lot is generally unique to Brookview Avenue. The vast majority of the lots on Brookview are 50 feet wide and roughly 6,700 square feet in size. The circumstance of the oversized lot was not created by the applicant.

c) *Will the variance alter the essential character of the neighborhood?*

No. The proposed improvements requested by the variance would not alter the essential character of the neighborhood. The neighborhood includes a vast majority of single-family homes on 50-foot lots as proposed.

Staff Recommendation

Recommend that the City Council approve the proposed two lot subdivision of 5820 Brookview Avenue and the lot width variances from 75 feet to 50 feet and lot area variances from 9,000 square feet to 6,711square feet. Approval is based on the following findings:

1. Except for the variances, the proposal meets the required standards and ordinance for a subdivision.
2. The subdivision would meet the neighborhood medians for lot width and depth and nearly meet the median area.

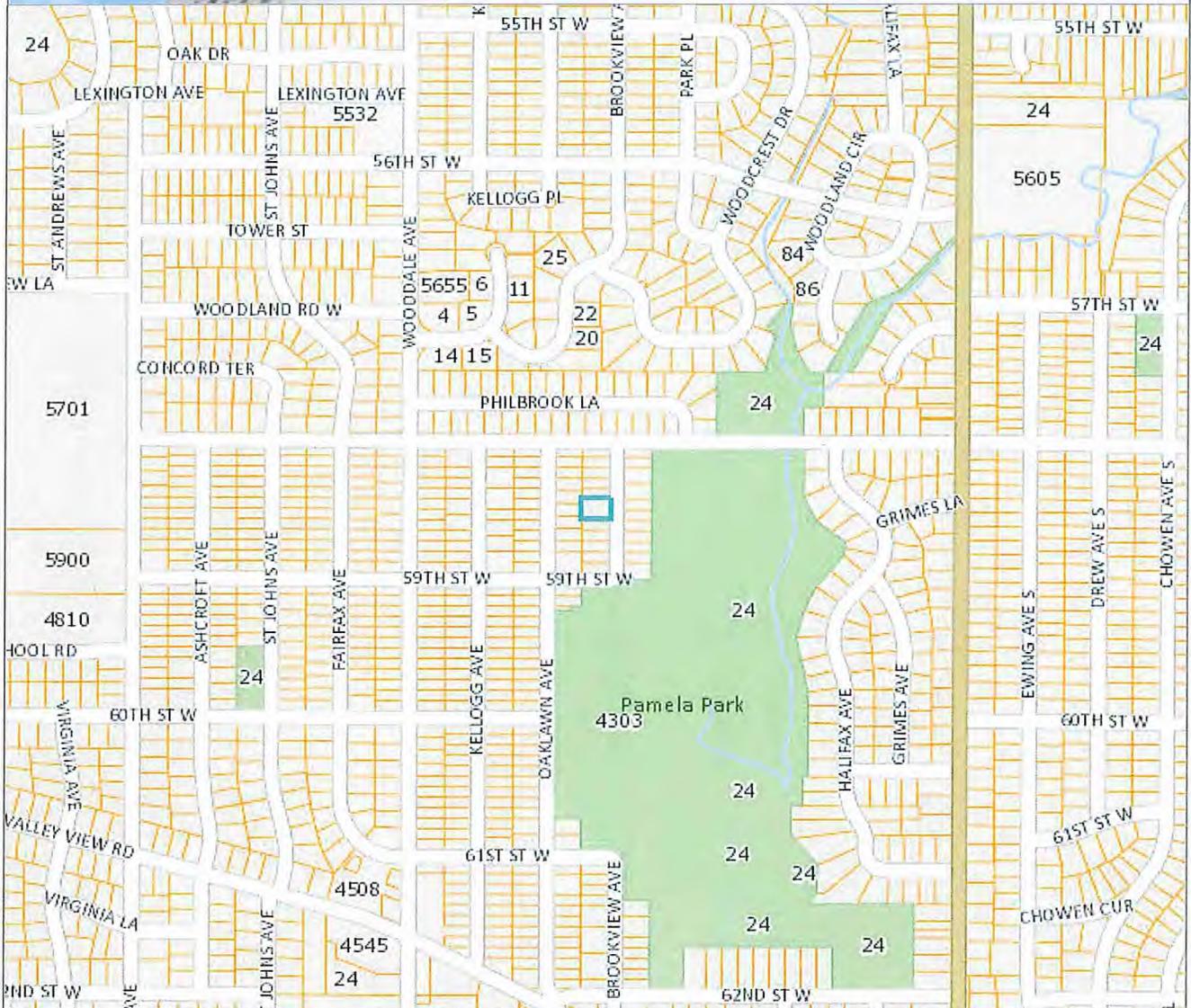
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Approval is subject to the following conditions:

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.
2. Prior to issuance of a building permit, the following items must be submitted:
 - a. Submit evidence of Minnehaha Creek Watershed District approval. The City may require revisions to the preliminary plat to meet the district's requirements.
 - b. A curb-cut permit must be obtained from the Edina Engineering department.
 - c. Utility hook-ups are subject to review of the city engineer.

- d. Grading and drainage plans specific to any proposed house would be reviewed at the time of building permit, and shall be subject to review and approval of the city engineer. Drainage from any new home, garage or driveway would have to be directed to Brookview Avenue.

Deadline for a City Decision: November 1, 2013



Parcel ID: 19-028-24-42-0016

Owner Name: John S Peterson Etal

Parcel Address: 5820 Brookview Ave
Edina, MN 55424

Property Type: Residential

Homestead: Homestead

Parcel Area: 0.31 acres
13,444 sq ft

Map Scale: 1" ≈ 800 ft.
Print Date: 9/16/2013



This map is a compilation of data from various sources and is furnished "AS IS" with no representation or warranty expressed or implied, including fitness of any particular purpose, merchantability, or the accuracy and completeness of the information shown.

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A1



Interactive
Maps

Property Map



Parcel ID: 19-028-24-42-0016

Owner Name: John S Peterson Etal

Parcel Address: 5820 Brookview Ave
Edina, MN 55424

Property Type: Residential

Home-stead: Homestead

Parcel Area: 0.31 acres
13,444 sq ft

Map Scale: 1" ≈ 200 ft.
Print Date: 9/16/2013

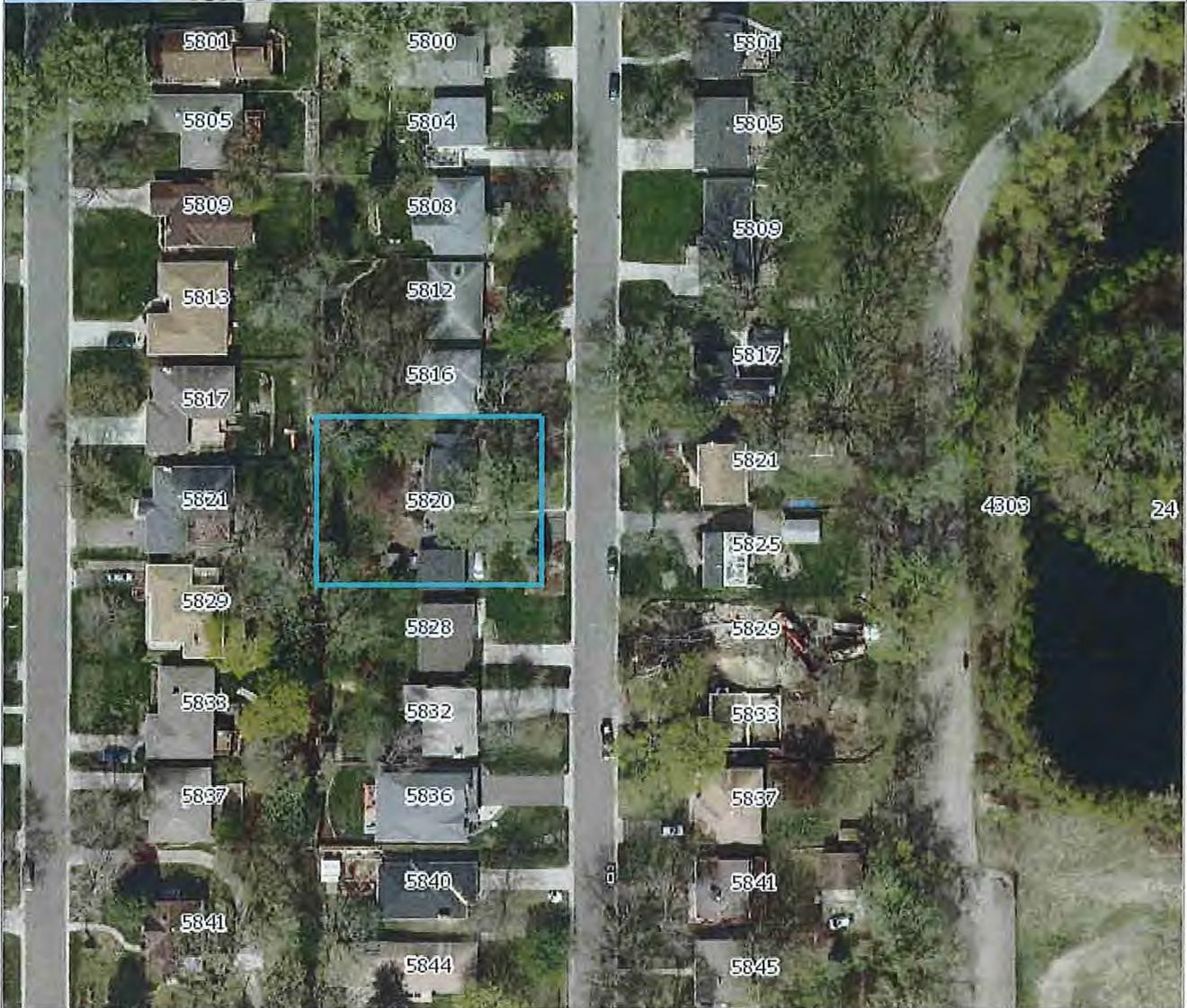


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A2



Parcel ID: 19-028-24-42-0016

Owner Name: John S Peterson Etal

Parcel Address: 5820 Brookview Ave
Edina, MN 55424

Property Type: Residential

Home-stead: Homestead

Parcel Area: 0.31 acres
13,444 sq ft

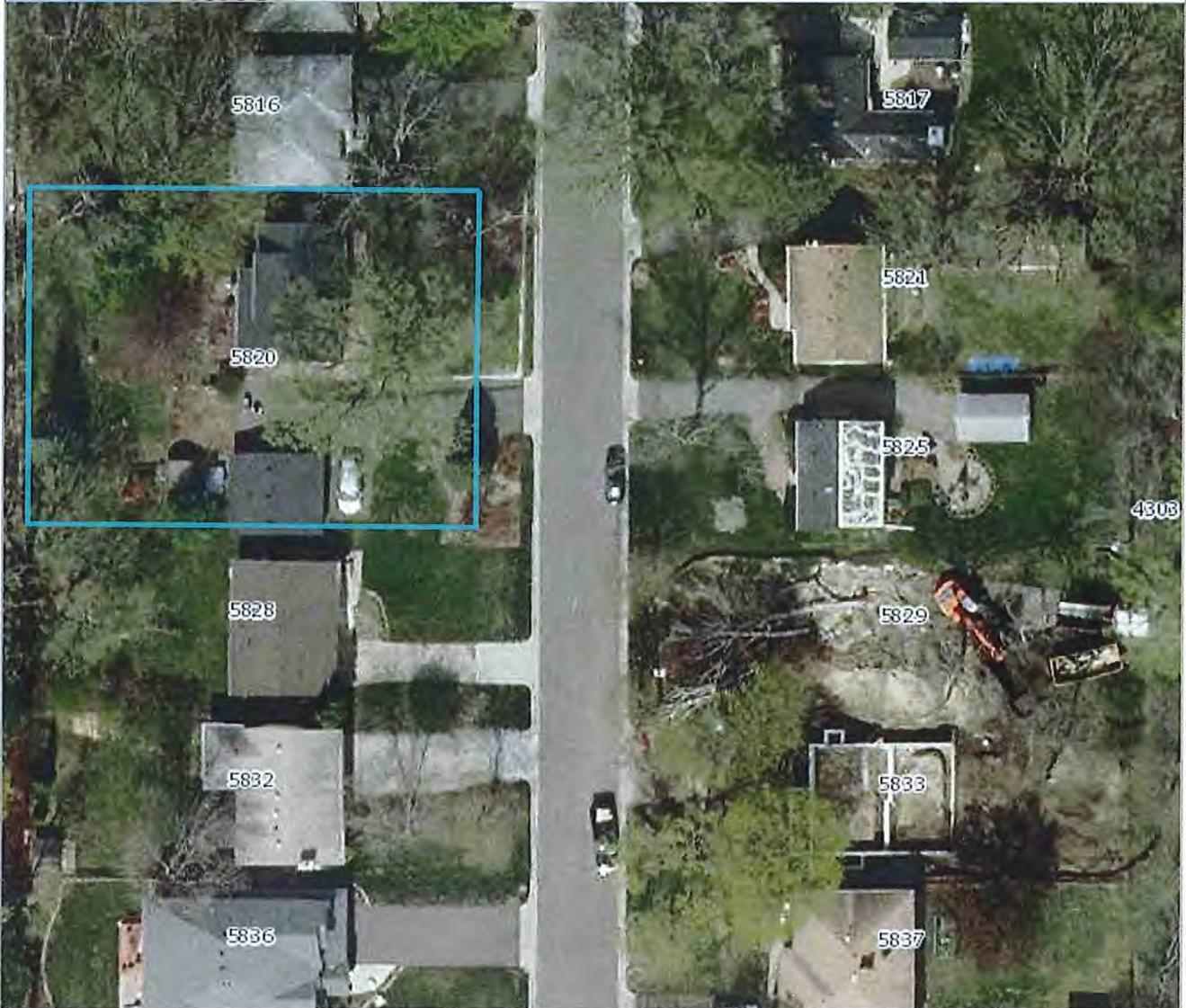
Map Scale: 1" ≈ 100 ft.
Print Date: 9/16/2013



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Parcel ID: 19-028-24-42-0016

Owner Name: John S Peterson Etal

Parcel Address: 5820 Brookview Ave
Edina, MN 55424

Property Type: Residential

Home-stead: Homestead

Parcel Area: 0.31 acres
13,444 sq ft

Map Scale: 1" ≈ 50 ft.

Print Date: 9/16/2013



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 **Think Green!**

A4



PROJECT NARRATIVE

The project is located in the City of Edina at 5820 Brookview Avenue (lots 6 and 7, Block 002, Fairfax). We are proposing to subdivide the current 100-foot wide lot into the originally platted (2) 50-foot wide lots. Our intention is to build two homes on this site that fit seamlessly with the existing character of the neighboring homes and community.

There has been a recent, similar project on Brookview Avenue at 5829 and 5833; these two 50-foot wide properties were also once a single 100-foot wide property. Two new homes were built on this site in 2012; both homeowners (as well as others in the community) have given full support of our proposed project at 5820.

CERTIFICATE OF SURVEY

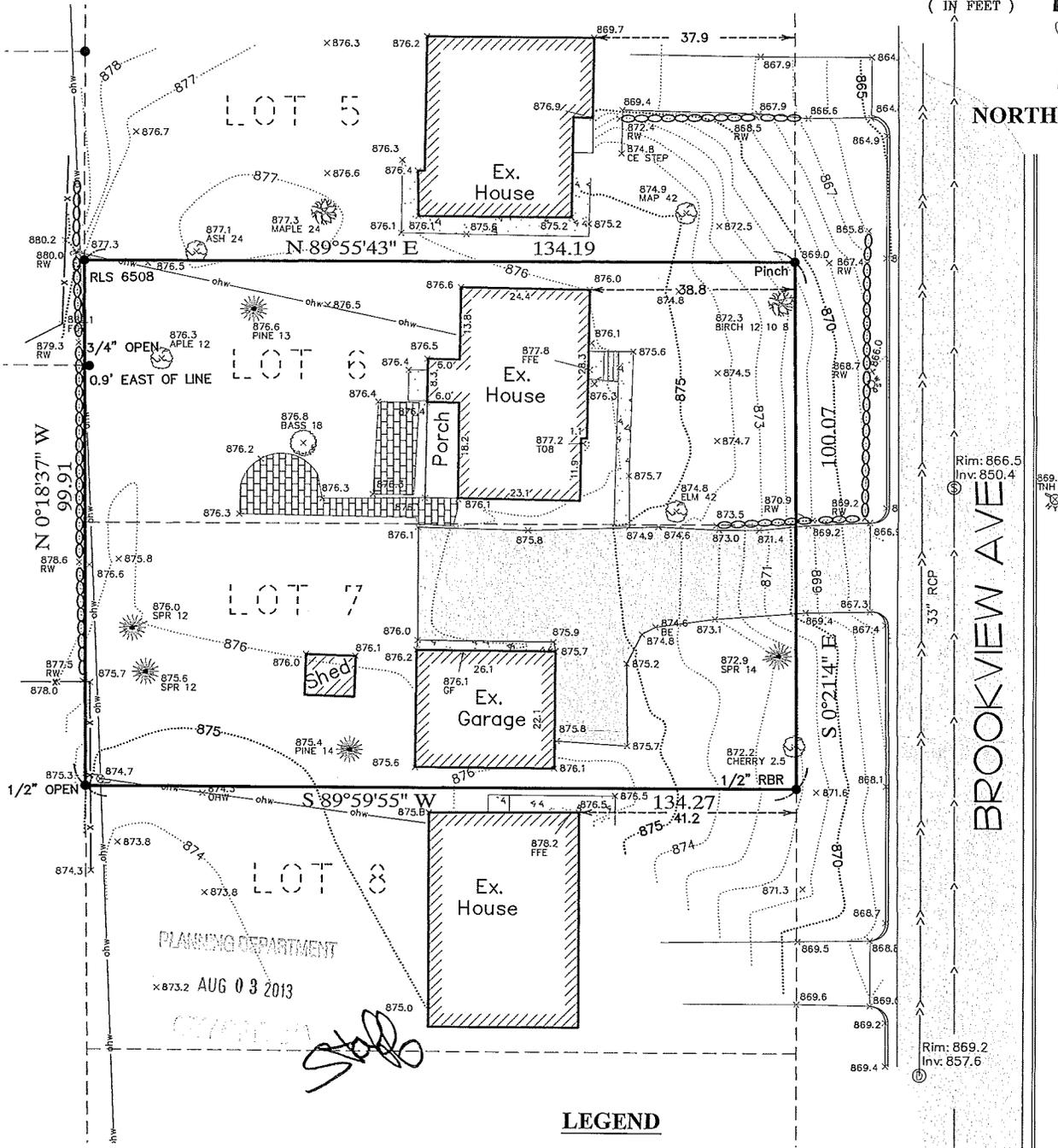
PROPERTY ADDRESS: 5820 Brookview Ave Edina, MN

FOR: Ridge Creek Custom Homes

1 inch = 20 ft.



(IN FEET)



LEGEND

- DENOTES IRON MONUMENT FOUND
- x— DENOTES EXISTING FENCE
- x1011.2 DENOTES EXISTING ELEVATION.
- DENOTES CONCRETE
- DENOTES BITUMINOUS
- DENOTES EXISTING TREE
- ohw— DENOTES OVERHEAD WIRE
- >— DENOTES SANITARY SEWER
- >>— DENOTES STORM SEWER

EXISTING PROPERTY DESCRIPTION

(Per Tax Legal)
Lots 6 & 7, Block 2, FAIRFAX,
Hennepin County, Minnesota.

BENCHMARK

Top nut of fire hydrant at SE quadrant of 58TH
Street and Brookview Ave. Elev.=869.22

NOTES

- Bearing's shown are on assumed datum.
- Field survey conducted on July 12th, 2013.
- This survey was prepared without the benefit of titlework. Easement, appurtenances and encumbrances may exist in addition to those shown hereon. This survey is subject to revision upon receipt of a title insurance commitment or attorneys title opinion.
- Curb shots taken at top and back of curb.

JOSHUA P. SCHNEIDER

Date: 7-15-13 Reg. No. 44655

ACRE LAND SURVEYING
Serving Twin Cities Metro
area and beyond
763-458-2997 acrelandsurvey@gmail.com



JOB #13448bs

10 11 12 13 14 15 16 17 18 19 10 11 12 13 14 15 16 17 18 19 20

A6

PRELIMINARY PLAT

FOR: Ridge Creek Custom Homes
 Rob Eldridge,
 4820 W 77th St #125 Edina, MN (612) 250-5820

ELDRIDGE 6TH ADDITION

Owner: John S. Peterson and Sheila A. Peterson
 PROPERTY ADDRESS: 5820 Brookview Ave Edina, MN

SITE DATA

Total Area -----0.31 Acres
 NUMBER OF LOTS -----2
 LOT 1 -----6711 Sq. Ft.
 LOT 2 -----6711 Sq. Ft.

Existing Zoning -----R-1
 Proposed Zoning -----R-1

Utilities -----Available

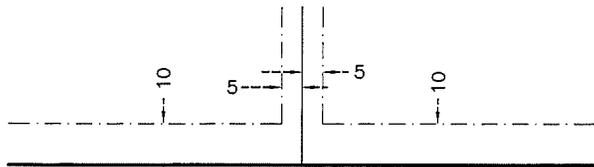
SETBACK DATA

Front Yard -----Average of
 Adjacent Lots
 Side Yard -----Varies with
 Building Height
 (5 Ft. Minimum)
 Rear Yard -----25 Ft.

SHEET INDEX

1. PRELIMINARY PLAT
2. EXISTING CONDITIONS
3. GRADING, DRAINAGE, UTILITY & TREE PLAN

DRAINAGE AND UTILITY EASEMENTS SHOWN THUS:



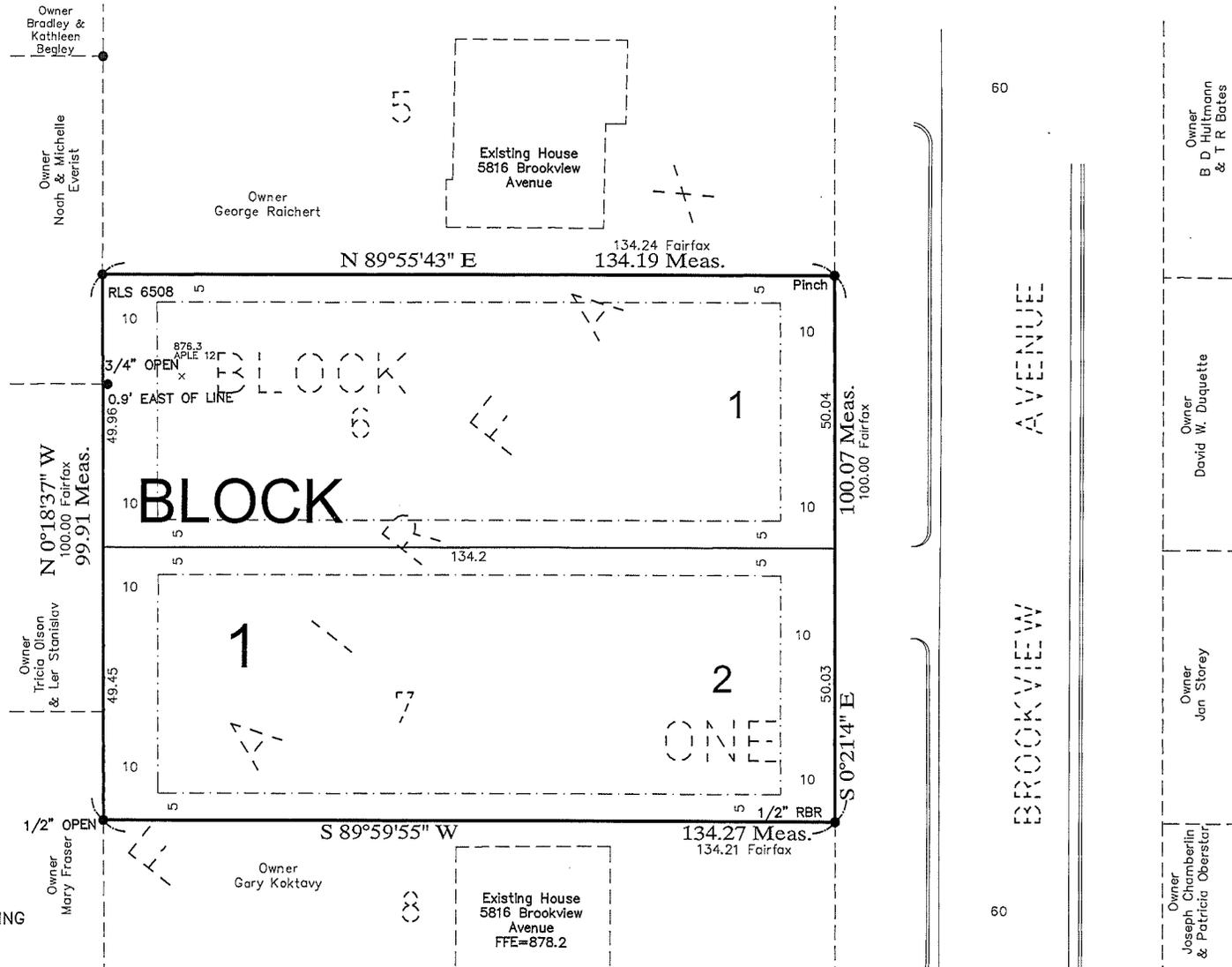
BEING 10 FEET IN WIDTH AND ADJOINING RIGHT-OF-WAY LINES AND REAR LOT LINES AND BEING 5 FEET IN WIDTH AND ADJOINING SIDE LOT LINES, UNLESS OTHERWISE SHOWN ON THE PLAT.

I hereby certify that this plan, survey or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

John P. Schneider

JOSHUA P. SCHNEIDER

Date: 8-19-13 Reg. No. 44655



EXISTING PROPERTY DESCRIPTION

(Per Title Commitment HB-26478)
 Lots Six (6) and Seven (7), Block Two (2), "Fairfax, Hennepin County, Minnesota", according to the recorded plat thereof.

BENCHMARK

Top nut of fire hydrant at SE quadrant of 58TH Street and Brookview Ave. Elev.=869.22

JOB #13448bs

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 763-458-2997 acrelandsurvey@gmail.com

A7

GRADING, DRAINAGE, UTILITY & TREE PLAN

FOR: Ridge Creek Custom Homes
 Rob Eldridge,
 4820 W 77th St #125 Edina, MN (612) 250-5820

ELDRIDGE 6TH ADDITION

Owner: John S. Peterson and Sheila A. Peterson
 PROPERTY ADDRESS: 5820 Brookview Ave Edina, MN
SEDIMENT AND EROSION CONTROL NOTES

CONSTRUCTION SEQUENCING

1. INSTALL STABILIZED ROCK CONSTRUCTION ENTRANCE
2. INSTALLATION OF SILT FENCE OR BIO-ROLL AROUND SITE
3. DEMOLITION OF EXISTING STRUCTURES IF ANY.
4. CLEAR AND GRUB
5. STRIP AND STOCKPILE TOPSOIL
6. RUGH GRADING OF SITE
7. STABILIZE DENUDED AREAS AND STOCKPILES
8. EXCAVATE FOR NEW HOME FOUNDATION
9. CONSTRUCT & BACKFILL FOUNDATION
10. CONSTRUCT NEW STRUCTURE
11. WHEN ALL CONSTRUCTION ACTIVITY IS COMPLETE AND THE SITE IS STABILIZED BY EITHER SEED OR SOG/LANDSCAPING, REMOVE SILT FENCE AND RESEED ANY AREAS DISTURBED BY THE REMOVAL.

EROSION PREVENTION

THE CONTRACTOR IS RESPONSIBLE FOR PLANNING FOR AND IMPLEMENTING APPROPRIATE CONSTRUCTION PHASING, VEGETATIVE BUFFER STRIPS, HORIZONTAL SLOPE GRADING, AND OTHER CONSTRUCTION PRACTICES THAT MINIMIZE EROSION.

ALL EXPOSED SOIL AREAS MUST BE STABILIZED AS SOON AS POSSIBLE TO LIMIT SOIL EROSION BUT IN NO CASE LATER THAN 14 DAYS AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF THE SITE HAS TEMPORARILY OR PERMANENTLY CEASED.

THE NORMAL WETTED PERIMETER OF ANY TEMPORARY OR PERMANENT DRAINAGE DITCH OR SWALE THAT DRAINS WATER FROM ANY PORTION OF THE CONSTRUCTION SITE, OR DIVERTS WATER AROUND THE SITE, MUST BE STABILIZED WITHIN 20 LINEAL FEET FROM THE PROPERTY EDGE, OR FROM THE POINT OF DISCHARGE INTO ANY SURFACE WATER. STABILIZATION OF THE LAST 20 LINEAL FEET MUST BE COMPLETED WITHIN 24 HOURS AFTER CONNECTING TO A SURFACE WATER.

STABILIZATION OF THE REMAINING PORTIONS OF ANY TEMPORARY OR PERMANENT DITCHES OR SWALES MUST BE COMPLETE WITHIN 14 DAYS AFTER CONNECTING TO A SURFACE WATER AND CONSTRUCTION IN THAT PORTION OF THE DITCH HAS TEMPORARILY OR PERMANENTLY CEASED.

TEMPORARY OR PERMANENT DITCHES OR SWALES THAT ARE BEING USED AS A SEDIMENT CONTAINMENT SYSTEM (WITH PROPERLY DESIGNED ROCK DITCH CHECKS, BIO ROLLS, SILT DIKES ETC.) DO NOT NEED TO BE STABILIZED. THESE AREAS MUST BE STABILIZED WITHIN 24 HOURS AFTER NO LONGER BEING USED AS A SEDIMENT CONTAINMENT SYSTEM.

PIPE OUTLETS MUST BE PROVIDED WITH TEMPORARY OR PERMANENT ENERGY DISSIPATION WITHIN 24 HOURS AFTER CONNECTION TO A SURFACE WATER.

SEDIMENT CONTROL

SEDIMENT CONTROL PRACTICES MUST MINIMIZE SEDIMENT FROM ENTERING SURFACE WATERS, INCLUDING CURB AND GUTTER SYSTEMS AND STORM SEWER INLETS.

SEDIMENT CONTROL PRACTICES MUST BE ESTABLISHED ON ALL DOWN GRADIENT PERIMETERS BEFORE ANY UPGRADIENT LAND DISTURBING ACTIVITIES BEGIN. THESE PRACTICES SHALL REMAIN IN PLACE UNTIL FINAL STABILIZATION HAS BEEN ESTABLISHED.

ALL STORM DRAIN INLETS MUST BE PROTECTED BY APPROPRIATE BMPs DURING CONSTRUCTION UNTIL ALL SOURCES WITH POTENTIAL FOR DISCHARGING TO THE INLET HAVE BEEN STABILIZED.

TEMPORARY SOIL STOCKPILES MUST HAVE SILT FENCE OR OTHER EFFECTIVE SEDIMENT CONTROLS, AND CANNOT BE PLACED IN SURFACE WATERS, INCLUDING STORMWATER CONVEYANCES SUCH AS CURB AND GUTTER SYSTEMS, OR CONDUITS AND DITCHES UNLESS THERE IS A BYPASS IN PLACE FOR THE STORMWATER.

VEHICLE TRACKING OF SEDIMENT FROM THE CONSTRUCTION SITE MUST BE MINIMIZED BY A ROCK CONSTRUCTION ENTRANCE. STREET SWEEPING MUST BE USED IF THE ROCK ENTRANCE IS NOT ADEQUATE TO PREVENT SEDIMENT FROM BEING TRACKED ONTO THE STREET.

INSPECTIONS AND MAINTENANCE

THE CONTRACTOR IS RESPONSIBLE AT ALL TIMES FOR THE MAINTENANCE AND PROPER OPERATION OF EROSION AND SEDIMENT CONTROL FACILITIES. THE CONTRACTOR SHALL AT A MINIMUM, INSPECT, MAINTAIN AND REPAIR ALL DISTURBED SURFACES AND ALL EROSION AND SEDIMENT CONTROL PRACTICES AND SOIL STABILIZATION MEASURES.

BASED ON INSPECTION RESULTS THE CONTRACTOR MAY, AND SHALL MODIFY THE EROSION AND SEDIMENT CONTROL PLAN IN ORDER TO PREVENT POLLUTANTS FROM LEAVING THE SITE via STORM WATER RUNOFF.

STORMWATER

FINAL GRADING OF THE LOT SHALL PROMOTE SHEET DRAINING AND AVOID CONCENTRATION OF STORM WATER FLOWS.

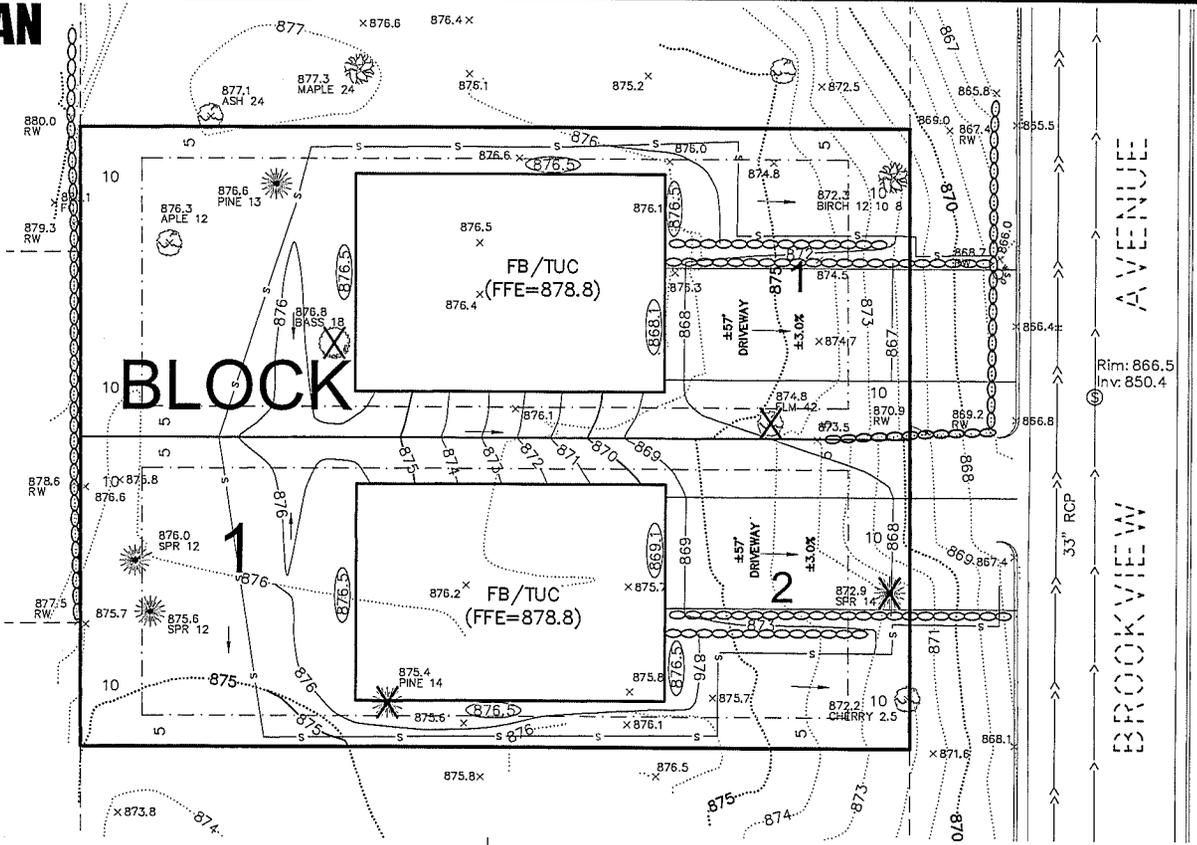
FINAL GRADING SHALL MAINTAIN THE EXISTING STORM WATER DRAINAGE PATTERNS TO THE EXTENT POSSIBLE AND PRACTICAL AS TO NOT CAUSE ANY DAMAGE TO ADJACENT PROPERTIES.

I hereby certify that this plan, survey or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Joshua P. Schneider

JOSHUA P. SCHNEIDER

Date: 8/19/13 Reg. No. 44655



STORMWATER, SEDIMENT & EROSION CONTROL CONTACT:

RIDGE CREEK CUSTOM HOMES
 POB ELDRIDGE
 4820 W 77th St #125
 Edina, MN
 (612) 250-5820

LEGEND

- DENOTES PROPOSED ELEVATION
- DENOTES DIRECTION OF DRAINAGE
- DENOTES EXISTING ELEVATION.
- DENOTES EXISTING RETAINING WALL
- DENOTES PROPOSED RETAINING WALL
- DENOTES EXISTING TREE
- DENOTES TREE TO BE REMOVED
- DENOTES OVERHEAD WIRE
- DENOTES SANITARY SEWER
- DENOTES STORM SEWER
- DENOTES DIRECTION OF DRAINAGE
- FB/TUC DENOTES FULL BASEMENT/TUCK-UNDER GARAGE
- DENOTES PROPOSED SILT FENCE

BENCHMARK

Top nut of fire hydrant at SE quadrant of 58th Street and Brookview Ave. Elev.=869.22

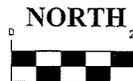
PROPOSED ELEVATIONS-LOT 1

GARAGE FLOOR = 868.0 (Tuck-under)
 TOP OF BLOCK = 877.0
 LOWEST FLOOR = 868.0 (9' CEILING)
 FIRST FLOOR = 878.8

PROPOSED ELEVATIONS-LOT 2

GARAGE FLOOR = 869.0 (Tuck-under)
 TOP OF BLOCK = 877.0
 LOWEST FLOOR = 869.0 (8' CEILING)
 FIRST FLOOR = 878.8

JOB #13448bs



(IN FEET)
 1 inch = 20ft.

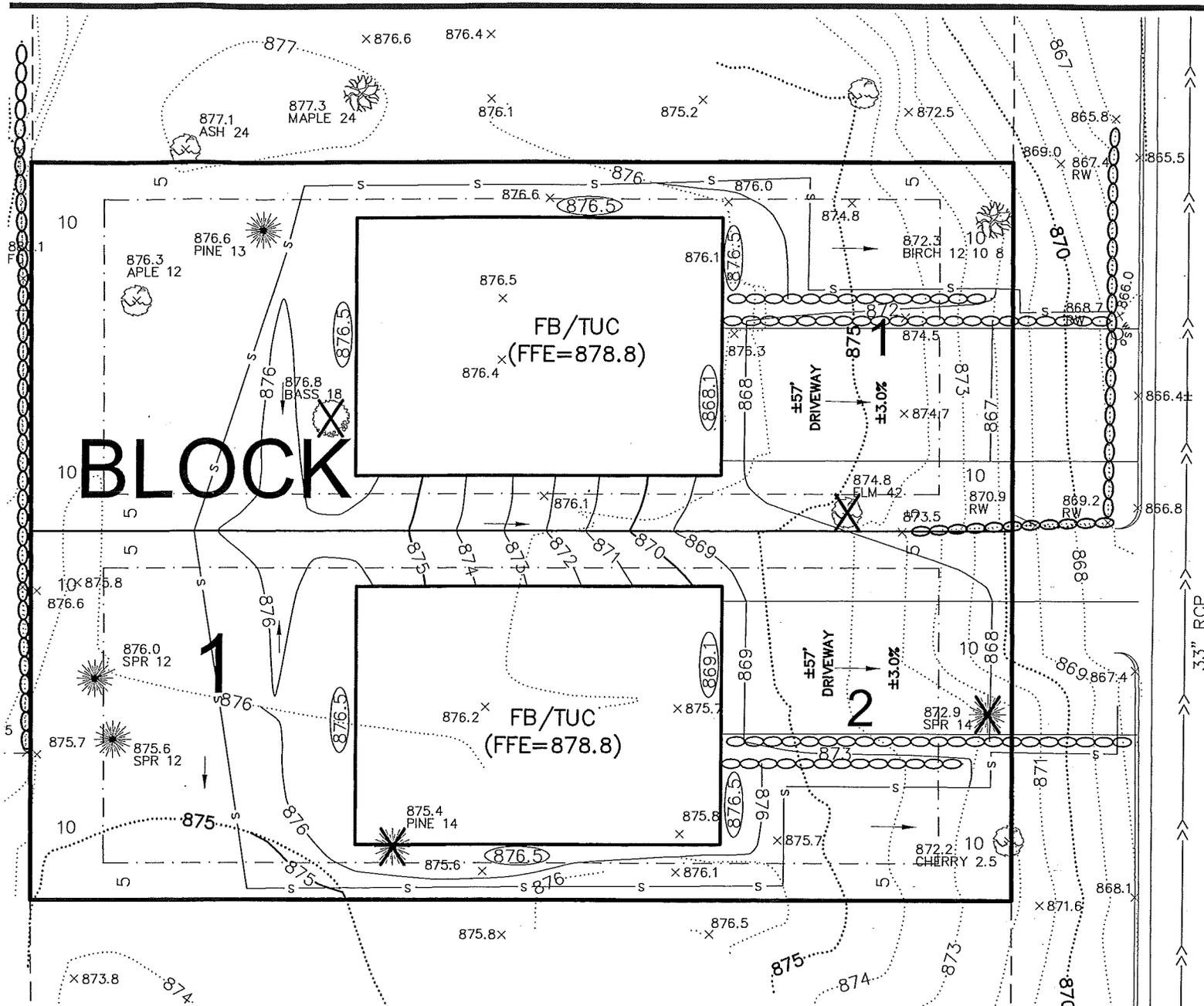
ACRE LAND SURVEYING
 Serving Twin Cities Metro area and beyond
 763-458-2997 acrelandsurvey@gmail.com

AS

BROOKVIEW AVENUE

Rim: 866.5
 Inv: 850.4

33" RCP



SIGN CONTROL CONTACT:

LEGEND

- > DENOTES PROPOSED ELEVATION
- DENOTES DIRECTION OF DRAINAGE
- 1.2 DENOTES EXISTING ELEVATION.
- > DENOTES EXISTING RETAINING WALL
- > DENOTES PROPOSED RETAINING WALL
- DENOTES EXISTING TREE
- ⊗ DENOTES TREE TO BE REMOVED
- DENOTES OVERHEAD WIRE
- DENOTES SANITARY SEWER
- DENOTES STORM SEWER
- DENOTES DIRECTION OF DRAINAGE
- > DENOTES FULL BASEMENT/TUCK-UNDER GARAGE
- DENOTES PROPOSED SILT FENCE



(IN FEET)
1 inch = 20 ft.

BENCHMARK

Top nut of fire hydrant at SE quadrant of 58TH Street and Brookview Ave. Elev.=869.22

PROPOSED ELEVATION

GARAGE FLOOR = 86
TOP OF BLOCK = 87
LOWEST FLOOR = 86
FIRST FLOOR = 878.8

PROPOSED ELEVATION

GARAGE FLOOR = 86
TOP OF BLOCK = 87
LOWEST FLOOR = 86
FIRST FLOOR = 878.8

JOB #1344

ACRE LAND SURVEY

Serving Twin Cities Metro area and beyond

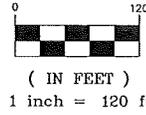
763-458-2997 acrelandsurvey



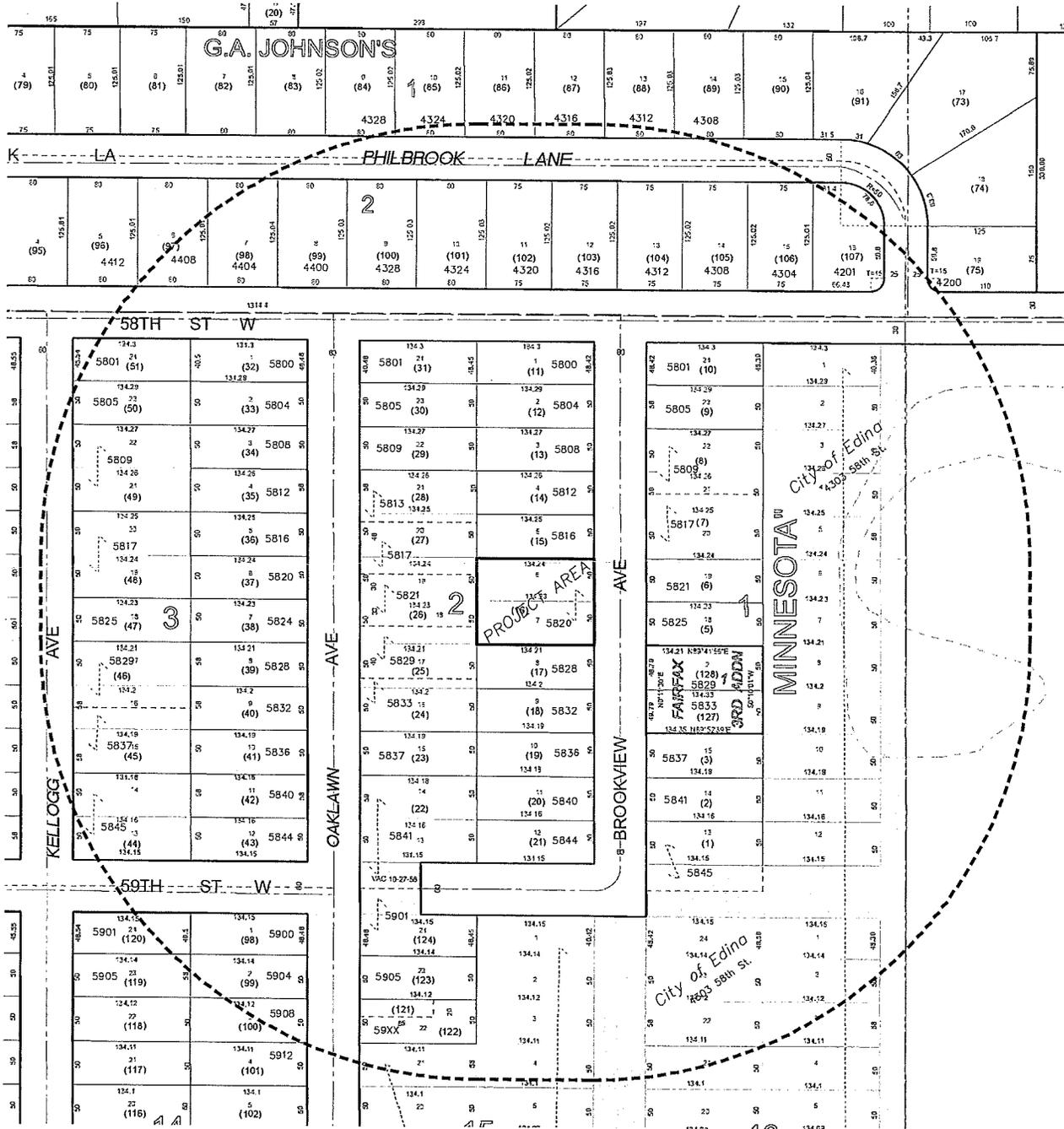
10 11 12 13 14

500 FOOT OVERLAP SKETCH

FOR: Ridge Creek Custom Homes



SEE ADDITIONAL SHEETS FOR LOT TABULATION



PLANNED AREA

AUG 03 2013

CITY OF EDINA

I hereby certify that this plan, sketch or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Joshua P. Schneider
 JOSHUA P. SCHNEIDER

Date: 8-02-13 Reg. No. 44655

ACRE LAND SURVEYING
 Blaine, MN 55449
 763-238-6278 js.acrelandsurvey@gmail.com

K10

500 FT STUDY
 5820 Brookview Ave., EDINA
 Peterson PROPERTY;
 FAIRFAX, HENNEPIN COUNTY MINNESOTA

8/2/2013
 By: Joshua Schneider,
 Acre Land Surveying, Inc.
 RLS#44655

<u>STREET</u>	<u>ADDRESS</u>	<u>NAME</u>	<u>LOT WIDTH (FT)</u>	<u>LOT AREA (SF)</u>	<u>LOT DEPTH (FT)</u>
58th St. W.	4304	Iwanin	75.0	9,370	125.0
58th St. W.	4308	Anderson	75.0	9,370	125.0
58th St. W.	4312	Probst	75.0	9,370	125.0
58th St. W.	4316	Figarella et al	75.0	9,370	125.0
58th St. W.	4320	Arrieta et al	75.0	9,370	125.0
58th St. W.	4324	Thompson	80.0	9,995	125.0
58th St. W.	4328	Luskin	80.0	9,995	125.0
58th St. W.	4400	Sitek	80.0	9,995	125.0
58th St. W.	4404	Lindgren	80.0	9,995	125.0
58th St. W.	4408	Holst & Nissen	80.0	9,995	125.0
58th St. W.	4412	Bestrom	80.0	9,995	125.0
Brookview Ave.	5800	Glatzel	48.4	6,505	134.3
Brookview Ave.	5801	Kingston	48.4	6,509	134.3
Brookview Ave.	5804	Rehm & Johnson	50.0	6,725	134.3
Brookview Ave.	5805	Caron	50.0	6,723	134.3
Brookview Ave.	5808	Johnson	50.0	6,724	134.3
Brookview Ave.	5809	Goldberg	75.0	10,084	134.3
Brookview Ave.	5812	Berscheid	50.0	6,723	134.3
Brookview Ave.	5816	Raichert	50.0	6,723	134.2
Brookview Ave.	5817	Hultmann & Bates	75.0	10,082	134.3
Brookview Ave.	5820	Peterson etal	100.0	13,444	134.2
Brookview Ave.	5821	Duquette	50.0	6,721	134.2
Brookview Ave.	5825	Storey	50.0	6,720	134.2
Brookview Ave.	5828	Koktavy	50.0	6,721	134.2
Brookview Ave.	5829	Chamberlin & Oberstar	49.9	6,720	134.3
Brookview Ave.	5832	Heath	50.0	6,721	134.2
Brookview Ave.	5833	Lapensky	49.9	6,719	134.3
Brookview Ave.	5836	Yannapoulou	50.0	6,720	134.2
Brookview Ave.	5837	Hurley	50.0	6,718	134.2
Brookview Ave.	5840	Braun	50.0	6,719	134.2
Brookview Ave.	5841	Grage	50.0	6,718	134.2
Brookview Ave.	5844	Bergren	50.0	6,719	134.2
Brookview Ave.	5845	Sullivan	80.0	10,747	134.2
Kellogg Ave.	5801	Wallen	48.5	6,532	134.3
Kellogg Ave.	5805	Jacobson	50.0	6,728	134.3
Kellogg Ave.	5809	Engbretson & Pratt	100.0	13,453	134.3
Kellogg Ave.	5817	Aksamit etal	100.0	13,450	134.2
Kellogg Ave.	5825	Miller	50.0	6,724	134.2
Kellogg Ave.	5829	Phernetton et al	75.0	10,084	134.2
Kellogg Ave.	5837	Cowan	75.0	10,083	134.2
Kellogg Ave.	5845	Hee-yoon & Young Kim Trustee	100.0	13,441	134.2
Kellogg Ave.	5901	Fisher	48.5	6,522	134.1
Kellogg Ave.	5905	Nrfp Holdings llc	50.0	6,718	134.1
Oaklawn Ave.	5905	Amundson	20.0	1,700	85.0
Oaklawn Ave.	5800	Dekleyn & Gerring	48.5	6,527	134.3
Oaklawn Ave.	5801	Jahn	48.5	6,520	134.3
Oaklawn Ave.	5804	Schill & Sheehan	50.0	6,727	134.3
Oaklawn Ave.	5805	Bergman	50.0	6,726	134.3
Oaklawn Ave.	5808	Stasney	50.0	6,726	134.3
Oaklawn Ave.	5809	King etal	50.0	6,725	134.3
Oaklawn Ave.	5812	Fleming & Scholes	50.0	6,725	134.3
Oaklawn Ave.	5813	Begley	60.0	8,067	134.3
Oaklawn Ave.	5816	King	50.0	6,724	134.2

PLANNING DEPARTMENT

AUG 03 2013

CITY OF EDINA

AK

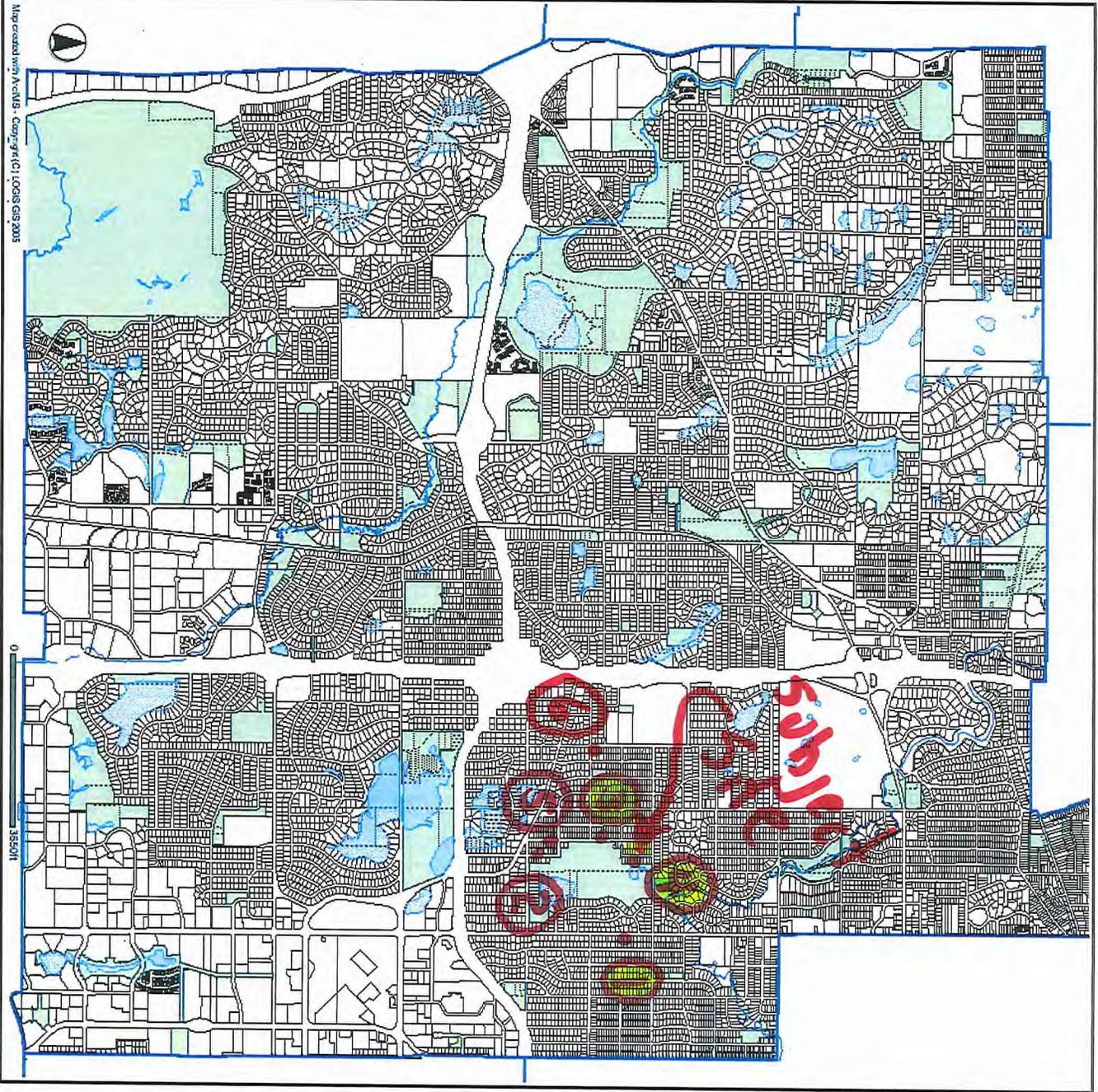
Oaklawn Ave.	5817	Everist	60.0	8,066	134.2
Oaklawn Ave.	5820	Bergseth	50.0	6,724	134.2
Oaklawn Ave.	5821	Olson & Stanislav	60.0	8,077	134.2
Oaklawn Ave.	5824	Hook	50.0	6,723	134.2
Oaklawn Ave.	5828	Schlecht & Erickson	50.0	6,722	134.2
Oaklawn Ave.	5829	Fraser trustee	60.0	8,053	134.2
Oaklawn Ave.	5832	Dick	50.0	6,721	134.2
Oaklawn Ave.	5833	Regan	60.0	8,075	134.2
Oaklawn Ave.	5836	Schleimer trustee	50.0	6,721	134.2
Oaklawn Ave.	5837	Mitchell	50.0	6,721	134.2
Oaklawn Ave.	5840	Kleinjan	50.0	6,720	134.2
Oaklawn Ave.	5841	Sandberg	115.0	15,438	134.2
Oaklawn Ave.	5844	Beson	50.0	6,719	134.2
Oaklawn Ave.	5900	Aura	48.5	6,517	134.1
Oaklawn Ave.	5901	Learn	63.5	8,547	134.2
Oaklawn Ave.	5904	Parker	50.0	6,717	134.1
Oaklawn Ave.	5905	Amundson etal	50.0	6,718	134.1
Oaklawn Ave.	5908	Ideal Apartments llc	50.0	6,716	134.1
Oaklawn Ave.	5912	Kaiser	50.0	6,715	134.1
Oaklawn Ave.	59XX	Hennepin County-Forfeited	40.0	5,017	125.4
Philbrook Ln.	4200	Stussy	75.0	9,311	125.0
Philbrook Ln.	4201	Engelke	81.4	9,568	125.0
Philbrook Ln.	4308	Egger	80.0	10,003	125.0
Philbrook Ln.	4312	Swoap	80.0	10,003	125.0
Philbrook Ln.	4316	Brown	80.0	10,002	125.0
Philbrook Ln.	4320	Jacobs	80.0	10,002	125.0
Philbrook Ln.	4324	Jchang & Orr	80.0	10,002	125.0
Philbrook Ln.	4328	Miller	80.0	10,001	125.0
		MEAN	61.7	8098.1	131.3
81 Total		MEDIAN	50.0	6725.0	134.2

PLANNING DEPARTMENT

AUG 03 2013

CITY OF EDINA

A12

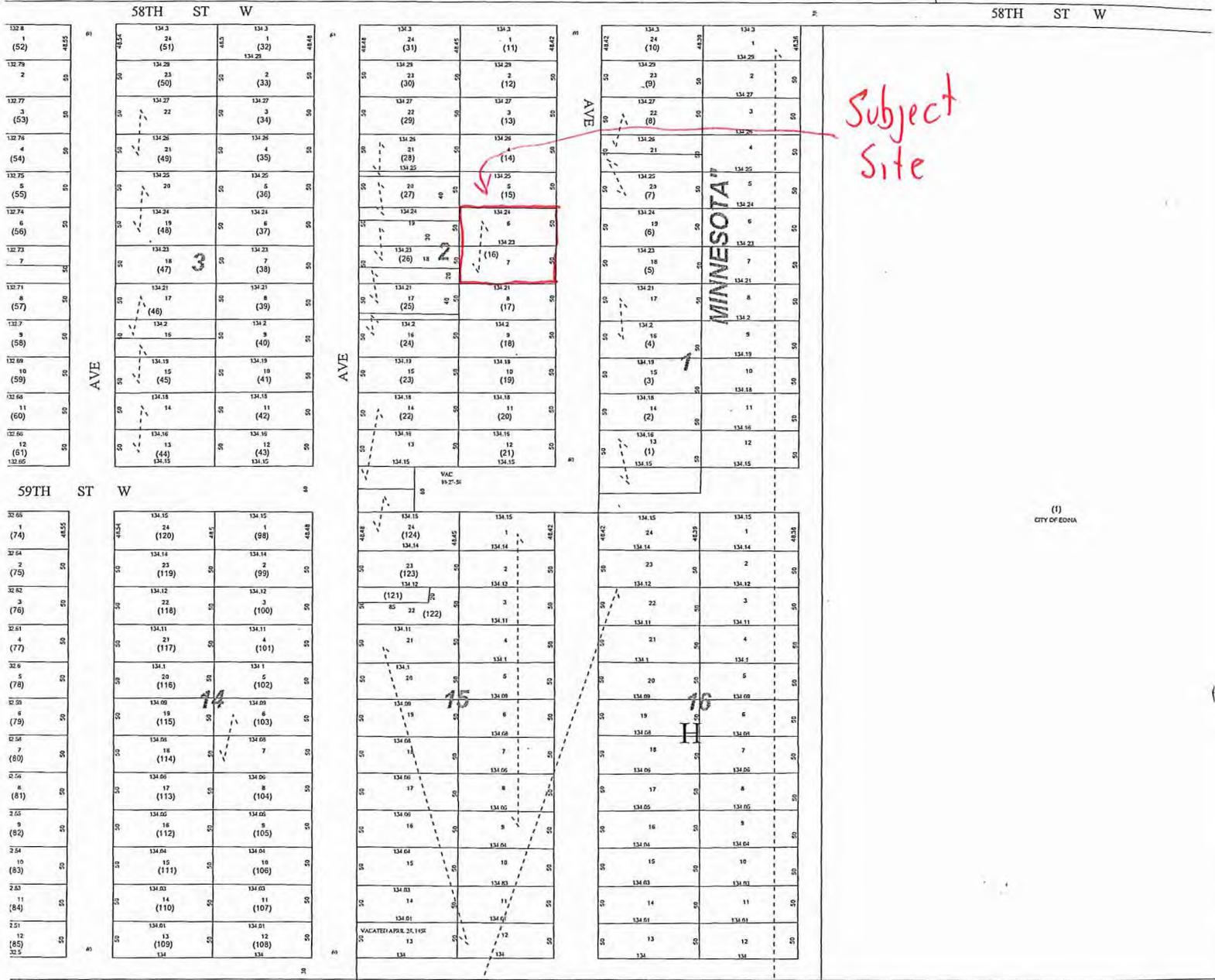
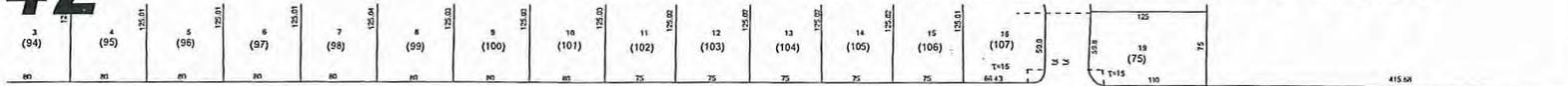


- ① 5901 France
- ② 6130 Brookview
- ③ 5920 Oaklawn
- ④ 5829 Brookview
- ⑤ 6109 Oaklawn
- ⑥ 5945 Concord

Approved Subdivisions

A13

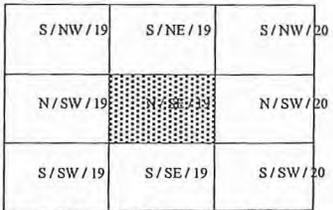
N.1/2 SE.1/4 SEC.19 T.028 R.24



Subject Site

(1) CITY OF EDINA

N.1/2 SE.1/4 SEC.19 T.028 R.24



Eighth/Quarter/Section

rded map. It represents tion and data from city,

8:38:15 2002 200 400 Feet

A14

**MINUTES OF THE
REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF EDINA, MINNESOTA
CITY COUNCIL CHAMBERS
SEPTEMBER 25, 2013
7:00 PM**

I. CALL TO ORDER

II. ROLL CALL

Scherer, Schroeder, Potts, Fischer, Kilberg, Halva, Carr, Platteter, Forrest, Grabiell, Staunton.

III. APPROVAL OF MEETING AGENDA

Commissioner Potts moved approval of the September 25, 2013 meeting agenda. Commissioner Platteter seconded the motion. All voted aye; motion carried.

IV. APPROVAL OF CONSENT AGENDA

Commissioner Scherer moved approval of the September 11, 2013 meeting minutes. Commissioner Potts seconded the motion. All voted aye; motion carried.

V. COMMUNITY COMMENT

During "Community Comment," the Planning Commission will invite residents to share new issues or concerns that haven't been considered in the past 30 days by the Commission or which aren't slated for future consideration. Individuals must limit their comments to three minutes. The Chair may limit the number of speakers on the same issue in the interest of time and topic. Generally speaking, items that are elsewhere on this morning's agenda may not be addressed during Community Comment. Individuals should not expect the Chair or Commission Members to respond to their comments today. Instead, the Commission might refer the matter to staff for consideration at a future meeting.

No public comment.

VI. PUBLIC HEARINGS

A. Preliminary Plat with Variances. AKARE Companies. 5820 Brookview Avenue, Edina, MN

Planner Presentation

Planner Teague informed the Commission AKARE Companies LLC on behalf of John Peterson is proposing to subdivide the property at 5820 Brookview Avenue into two lots. The existing home would be torn down, and two new homes built on the new lots. Planner Teague noted the following is

required; subdivision approval, lot width variances from 75 feet to 50 feet for each lot; and lot area variances from 9,000 square feet to 6,711 square feet for each lot.

Teague explained that both lots would gain access off Brookview Avenue. Within this neighborhood, the median lot area is 6,725 square feet, median lot depth is 134 feet, and the median lot width is 50 feet. The new lots would meet the median width and depth, but would just fall short of the median lot size.

Teague concluded that staff recommends that the City Council approve the proposed two lot subdivision of 5820 Brookview Avenue and the lot width variances from 75 feet to 50 feet and lot area variances from 9,000 square feet to 6,711square feet based on the following findings:

1. Except for the variances, the proposal meets the required standards and ordinance for a subdivision.
2. The subdivision would meet the neighborhood medians for lot width and depth and nearly meet the median area.
3. The proposal would restore the property back to the form of the original plat, which included two lots.
4. The proposal meets the required standards for a variance, because:
 - a. The practical difficult unique to the property is caused by the existing size of the property which is two times the size of every lot on the block. This is caused by the original property owner, who combined two lots into one.
 - b. The requested variances are reasonable in the context of the immediate neighborhood. The existing lot is both larger and wider than most properties in the area, including nearly every lot on the block. The proposed subdivision would result in two lots more characteristic of the neighborhood.
 - c. The proposed lots would be the same size as the lots were originally platted.
 - d. The variances would meet the intent of the ordinance because the proposed lots are of similar size to others in the neighborhood.
 - e. If the variances were denied, the applicant would be denied a use of his property, a 50-foot wide lot, which is common to the area. In addition, the applicant would be denied a subdivision with variances that has been previously approved by the City, including the same request for a subdivision with variances that were approved right across the street in 2011.

Approval is subject to the following conditions:

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.
2. Prior to issuance of a building permit, the following items must be submitted:
 - a. Submit evidence of Minnehaha Creek Watershed District approval. The City may require revisions to the preliminary plat to meet the district's requirements.

- b. A curb-cut permit must be obtained from the Edina Engineering department.
- c. Utility hook-ups are subject to review of the city engineer.
- d. Grading and drainage plans specific to any proposed house would be reviewed at the time of building permit, and shall be subject to review and approval of the city engineer. Drainage from any new home, garage or driveway would have to be directed to Brookview Avenue.

Appearing for the Applicant

Rob Eldridge of Ridge Creek Custom Homes and John Peterson, property owner.

Applicant Presentation

Mr. Eldridge addressed the Commission and gave a brief history of his work, adding in his opinion the subject lot subdivided into two smaller lots creates building pads for homes that are affordable to more people, especially families. Continuing, Eldridge stated he prepared a power point presentation; however, Planner Teague's presentation was similar to his and to avoid duplication he would stand and answer any questions the Commission may have.

Chair Staunton opened the public hearing.

Public Testimony

John Peterson, 5820 Brookview Avenue, addressed the Commission and informed the Commission he purchased the subject property in the 1960's when Pamela Park was a swamp. Peterson said he and his wife have thought long and hard about subdividing their property and felt that the subdivision would provide new families with the opportunity to purchase new homes in Edina. Peterson added that the builder they picked, Mr. Eldridge met the criteria they wanted for the new homes.

The following residents spoke in support of the proposed subdivision:

George Raichert, 5816 Brookview Avenue, Edina, MN 60+ year Edina resident.

John Raichert, 5116 Indianola Avenue, Edina, MN

Jan Storey, 5825 Brookview Avenue, Edina, MN

Chair Staunton asked if anyone else would like to speak to the issue; being none, Commissioner Platteter moved to close the public hearing. Commissioner Scherer seconded the motion. All voted aye; motion carried.

Discussion

Commissioner Fischer stated he recalls that the Commission heard a number of subdivision requests in this area; some were approved, some were denied, adding the reasons for approval or denial was mostly based on the immediate neighborhood and if the block contained lots in excess of 50-feet. Planner Teague said he agrees with that observation. Teague reported there were six subdivision requests in the area; three were approved and three were denied. Teague explained the reasons for denial had to do with lot size, adding the subdivision requests that were denied tended to be on blocks containing multiple lots in excess of 50-feet in width.

Motion

Commissioner Fischer moved to recommend Preliminary Plat approval with variances based on staff findings and subject to staff conditions. Commissioner Grabiell seconded the motion.

Commissioner Grabiell said it was interesting to him to hear positive comments from neighbors on the proposed subdivision and the addition of new homes to the neighborhood.

Commissioner Forrest said that while she understands the issue that she can't support the request. Forrest stated she has difficulty supporting the variances, adding she would like the Zoning Ordinance to better reflect the City's preferences in the smaller lot neighborhoods.

Chair Staunton commented that there is experience on the Commission regarding subdividing larger lots into two lots in the smaller lot neighborhoods, noting to some a two lot subdivision is better than retaining the one large lot because it ensures that the area remains consistent and the houses constructed are smaller than what could be constructed if it remained one lot.

Chair Staunton called the vote; Ayes, Scherer, Schroeder, Potts, Fischer, Platteter, Carr, Grabiell, Staunton. Nay, Forrest. Motion carried 8-0.

VII. REPORTS AND RECOMMENDATIONS

A. Sketch Plan – 3655 Hazelton Road, Edina, MN

Planner Presentation

Planner Teague informed the Commission they are being asked to consider a sketch plan proposal to redevelop the property at 3655 Hazelton Road. The proposal is to tear down the existing vacant restaurant and construct a two-story bank on the site. The applicant would seek a Site Plan review and potentially a variance to develop the site.