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Date: August 28, 2013

To: Planning Commission

From: Cary Teague, Community Development Director

Re: Proposed Subdivision of 6609 Blackfoot Pass into two lots – Agenda Item VI.A.

Please continue the public hearing for this item to the September 11, 2013, Planning Commission meeting. This will allow additional time for the applicant to work with adjacent residents and consider revisions to the plans.



PLANNING COMMISSION STAFF REPORT

Originator Kris Aaker Assistant City Planner	Meeting Date August 28, 2013	Agenda # VI.A.
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Recommended Action: Approve the variance as requested.

Project Description

A 5 foot side yard setback variance from the required 10 foot drive-aisle side yard setback for truck maneuvering in the south west corner of the site located at 5221-5275 Edina Industrial Boulevard for Jim Ellison/Cello Services, LLC, (see site location and aerial photos pages A1 – A2).

INFORMATION/BACKGROUND

The applicant is requesting a 5-foot setback variance to widen a drive aisle next to the existing building in the south west corner of the site located at 5221-75 Edina Industrial Boulevard. Currently semi-trailer trucks drive beyond the pavement and onto the grass in order to maneuver around the building. The added pavement and retaining wall proposed will allow the trucks to turn without over-spilling onto the lawn area. (See narrative and plans on pages A3–A6).

Surrounding Land Uses

- Northerly: Industrial buildings; zoned PID, Planned Industrial District and guided I, Industrial
- Easterly: Industrial buildings; zoned PID, Planned Industrial District and guided I, Industrial
- Southerly: Property in the City of Bloomington, office building with parking lot.
- Westerly: Industrial/office building; zoned PID, Planned Industrial District and guided I, Industrial

Existing Site Features

The subject property is 4.99 acres in size, is relatively flat and contains three buildings with shared parking areas. (See pages A2–A3).

Planning

Guide Plan designation: I, Industrial
Zoning: PID, Planned Industrial District

Building Material

The proposed drive aisle extension will be included in a re-paving of the entire site as part of planned site upgrades.

Engineering Review:

Engineering has reviewed the request and has no objections to expand the parking lot in the southwesterly corner of the property. The applicant will need to acquire permission from Xcel Energy to encroach into the easement area, (See memo from the City Engineer page A7).

Primary Issue:

- **Is the proposed variance justified?**

Yes. Per 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 does meet the variance standards, when applying the three conditions:

Section 850.04.Subd. 2 of the Zoning Ordinance require the following findings for approval of a variance:

Minnesota Statutes and Edina Ordinances require that the following conditions must be satisfied affirmatively. The Proposed Variance will:

- 1) *Relieve practical difficulties that prevent a reasonable use from complying with ordinance requirements.***

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.

Staff believes the proposed variance is reasonable. Currently trucks cannot maneuver around the southwest corner of the building without

overlapping onto the turf area. The slight encroachment and retaining wall will allow the turning movements on an improved hard surfaced drive aisle.

The practical difficulty is therefore, caused by the existing location of the building and the tight drive aisle area in which to move trucks through the site.

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

The conditions on-site exist and are not as a result of actions of the applicant.

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

No. The proposed drive aisle improvement is a very small intrusion into the side yard and only in the area needed for truck movements. The existing conditions force trucks off pavement. The improvement would not alter the essential character of the neighborhood; it would improve an area already used for truck maneuvering...

Staff Recommendation

Approve the requested variance based on the following findings:

1. The proposal meets the required standards for a variance, because:
 - a) The practical difficult is caused by the existing location of the building and narrow drive aisle.
 - b) The encroachment into the setback is a relatively minor and in a very small area of the site.
 - c) The request is reasonable given the location of the existing building and narrow drive way, (too narrow for truck movements)...

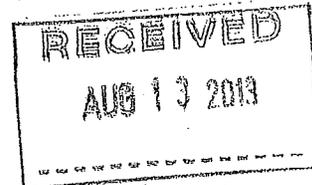
Approval of the variance is subject to the following condition:

1. The drive aisle improvement must be construction per the proposed plans date stamped August 13, 2013.
2. The applicant will need to acquire permission to encroach in the easement area from Xcel Energy as requested by the City Engineer and as indicated in the City Engineer's memo dated August 21, 2013.

Deadline for a city decision: October 12, 2013



VARIANCE APPLICATION



CASE NUMBER B-13-16 DATE 8/13/13
FEE PAID 600.00

City of Edina Planning Department * www.cityofedina.com
4801 West Fiftieth Street * Edina, MN 55424 * (952) 826-0369 *
fax (952) 826-0389

FEE: RES - \$350.00 NON-RES - \$600.00

APPLICANT:

JIM KELLISON
NAME: KELCO SERVICES, LLC (Signature required on back page)

ADDRESS: 3025 HARBOR LANE, RYDMOUNT PHONE: 651-248-5211

EMAIL: JIMK@KELCO-SERVICES.COM

PROPERTY OWNER:

FENTON SUB-PARCEL B, LLC & BOWLES SUB-PARCEL B, LLC
NAME: 1/2 HOYT PROPERTIES (Signature required on back page)

275 MARKET ST. #439
ADDRESS: MINNEAPOLIS, MN. 55405 PHONE: 612-338-7787

LEGAL DESCRIPTION OF PROPERTY (written and electronic form):

LOT 4, 5, & WEST 1/2 OF LOT 6, EDINA INTERCHANGE CENTER, HENNEPIN CO.

**You must provide a full legal description. If more space is needed, please use a separate sheet.

Note: The County may not accept the resolution approving your project if the legal description does not match their records. This may delay your project.

PROPERTY ADDRESS: 5221-5275 EDINA INDUSTRIAL BLVD.

PRESENT ZONING: P.T.D. P.I.D.# 09-116-21 33 0002

EXPLANATION OF REQUEST:

ORIGINAL DESIGN WAS NOT ADEQUATE FOR TRUCK TURNING

RADIUS - NEED TO RELOCATE CURB 5' TO ACCOMMODATE
(Use reverse side or additional pages if necessary)

ARCHITECT: NAME: _____ PHONE: _____

EMAIL: _____

SURVEYOR: NAME: HANSEN ANDERSON PHONE: 763-427-5860
EMAIL: BARRY W C HAA - INC.COM

Minnesota Statutes and Edina Ordinances require that the following conditions must be satisfied affirmatively. Please fully explain your answers using additional sheets of paper as necessary.

The Proposed Variance will:

YES

NO

Relieve practical difficulties in complying with the zoning ordinance and that the use is reasonable

SEE ATTACHED - A

Correct extraordinary circumstances applicable to this property but not applicable to other property in the vicinity or zoning district

B

Be in harmony with the general purposes and intent of the zoning ordinance

C

Not alter the essential Character of a neighborhood

D

