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**Date:** September 4, 2012

**To:** Honorable Mayor and City Council

**From:** Cary Teague, Community Development Director

**Re:** Building Height/Grading

Over the past several months the Planning Commission has been considering the issue of site grading and regulations on building height. Attached are minutes, staff memos and a draft Ordinance from those discussions.

The Planning Commission would like to create some regulations on site grading; but we need to know the specifics on what we can regulate. The city engineer will provide some guidance with this issue. In regard to building height, the Commission was close to recommending the attached Ordinance, but are somewhat reluctant to recommend and Ordinance that potentially could allow greater building mass in the R-I District.

The Planning Commission would like to have a discussion with the City Council in regard to these issues.



July 11, 2012  
P.C. minutes

## Site Grading n 50-footlots

Planner Teague informed the Commission there has been discussion throughout the City on grading that's been occurring on City lots; especially for new construction. Teague said City Engineer Wayne Houle is present to explain the process the Engineering Department follows when reviewing building permit applications.

Engineer Houle addressed the Commission and informed them the Engineering Department reviews all building permit applications for grading. Houle explained that every applicant is required to submit a detailed survey, drawn to scale with other required elevations. Houle explained a typical review of the application contains the following to ensure proper drainage and erosion control:

- Surface water maintains or reduces the same direction of flow ensuring that surface water cannot be redirected onto an adjoining private property.
- Analyze the known conditions and if these conditions can be easily remedied (if appropriate).
- Verify if a retaining wall needs to be designed by a structural engineer due to the height of the retaining wall.
- Check for easement encroachments.
- Check for new curb cuts.
- Check number and location of driveways
- Verify the sanitary sewer service invert elevations.

Engineer Houle presented copies of surveys to help Commissioners see all the details found on a survey to aid in plan review.

Commissioner Platteter asked Engineer Houle if downspouts are indicated on the survey or are they indicated somewhere else. Engineer Houle responded that downspouts and the direction of their flow are not required to be indicated on the survey; however that review (if applicable) occurs at the building department level. Platteter also questioned if neighbors are notified when a remodeling or rebuilding occurs. Houle said there is no notification requirement (except for the applicant) unless a variance was required. Platteter questioned if there should be notification pointing out everyone appears to be building a larger house than what previously existed; thereby creating more water run-off. Houle agreed, adding in Edina that appears to be the case on every lot, pointing out the majority of new construction is to the maximum.

Commissioner Staunton commented if he understands the permit process for new construction correctly that "new" water flow pathways can't be created that didn't exist before. Engineer Houle responded in the affirmative. Commissioner Staunton asked if the water continues to flow along its natural path can the rate or volume of the flow be increased. Engineer Houle acknowledged that the rate of flow does increase; adding it's very difficult to control and monitor. Houle reiterated run-off is required to continue to follow its natural path, adding rates fluctuate depending on the "size" of the rain storm and

spring run-off. Houle acknowledged that creating a larger building mass also contributes to an increase in water run-off; however, he reiterated storm water run-off on residential lots is something that is extremely difficult to monitor or control, adding this has been an ongoing issue. Continuing, Houle pointed out that measures can be implemented to mitigate storm water run-off impact such as lot coverage requirements, placement of gutters/downspouts, use of pervious materials for driveways and sidewalks, rain barrels etc. Concluding, Houle stated if a house meets all code requirements a building permit is issued.

A discussion ensued on the question of notification responsibility, is it the responsibility of the applicant, the City, or the neighbor(s) when new construction occurs. It was also noted that building plans are available for viewing at City Hall.

In response to the discussion Engineer Houle said he wasn't aware of any storm water management control measures for single family lots. He noted the City and Watershed Districts require grading permits and erosion control measures; however they don't review surface water management for single family lots. Both Nine Mile and Minnehaha watershed districts only require storm water management measures to be implemented for commercial properties.

Commissioner Carpenter questioned how difficult it would be to monitor or regulate this. Engineer Houle said in his opinion it would be very difficult. Houle reiterated to mitigate water run-off issues different measures can be implemented.

Commissioner Scherer asked if there was a review process for retaining walls. Engineer Houle responded if retaining walls are indicated on a survey it is reviewed. If a retaining wall is higher than 4-feet the retaining wall is required to be designed by a structural engineer and reviewed by engineering staff. Continuing, Houle said another reason for an increase in retaining walls could be to accommodate basement ceiling height. Houle explained if a property owner wants higher ceilings they need to dig deeper.

Planner Teague informed the Commission he has been in discussions with area builders that told him that the City's current way to determine the side yard setback for building height results in builders building up the grade and potentially constructing retaining walls to achieve desired building height. Teague referred Commissioners to a handout placed before them amending the way side yard setbacks are determined. Teague said this change would require the builder to use the existing grade and not the "proposed" grade to determine building height. Teague asked Commissioners for their opinion on the handout.

A discussion ensued with Commissioners indicating that manipulating the grade along the side to achieve building height as currently done may be the reason retaining walls are popping up all over the City. Commissioners indicated it may just be easier to either include the retaining wall(s) in the calculation or measure from the existing grade, not proposed.

Planner Teague responded that is an idea; however, he expressed concern that running the calculations from averaging the existing grade may prohibit two story homes. Commissioners indicated if this were problematic in certain instances a variance could be requested. Planner Teague suggested that staff run different scenario's on measuring from the existing grade and bring those findings back to the Commission for comments. Commissioners agreed and directed staff to "run" scenario's and return with them:

Furthering the discussion Commissioner Potts questioned if the City has a code requiring outside access to the rear yard. Planner Teague responded that he doesn't believe there is an ordinance requiring rear yard access from outside the house. Engineer Houle agreed. He said there are a number of homes in Edina that access the rear yard through the house, even on flat lots.

A discussion ensued on if the City should require outside rear yard access. It was observed that the City requires minimum side yard setbacks; however, retaining walls and egress windows could prevent easy access to rear yards. Staff noted that many of these issues are between neighbors. It was further explained that when construction erosion control fences are erected and if there is trespass; again that's between neighbors.

Commissioner Potts says he worries that most of the discussion occurs between the City and builder, not the homeowner. He wondered if communication should be "opened up" between the City and homeowner. Engineer Houle pointed out that a number of new homes "do not have an owner", adding in his experience there will always be common lot line issues.

Planner Teague said one tool City staff is working on is a Construction Management Guide Plan. Teague said at this time City Staff is reviewing implementing a plan for monitoring compliance during the construction phase. One requirement is posting a sign on the site informing neighbors of what would occur. The City could also add a line item referring neighbors to City Hall if they want to view the complete set of building plans.

Chair Grabiell suggested that if the Commission establishes a different way to regulate building height there would probably be those odd lots that would need a variance to comply. Commissioner Staunton agreed, adding topography is a classic hardship for granting a variance. Planner Teague noted that the variance process would also engage the neighbors.

Planner Teague clarified the following for future topics of discussion:

- Draft different scenario's measuring building height that would eliminate the need for retaining walls alongside property lines. (measure from existing grade, not proposed as required)
- Consider establishing setbacks for retaining walls
- Discuss requiring access to the rear yard from the outside of the house. Maybe require offsetting side yard setbacks.

Planner Teague added that for every change to the ordinance there are consequences.

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### **Subdivision of lots less than 9,000 square feet in area and 75-feet in width**

Planner Teague reminded the Commissioner they directed staff to draft an Ordinance amendment that would allow PUD rezoning as a tool to subdivide lots that are less than 9,000 square feet in area and 75 feet in width. Continuing, Teague said that recently the City Council has expressed interest in considering a uniform median lot area, lot width and depth as the minimum lot size requirement in the R-1 district. If established the median of all lots within 500-feet becomes the minimum lot size requirement. This approach is what is currently done.

Commissioner Platteter said the last time this was discussed it did appear that PUD "may be the way to go" but now without specific guidelines the 500-foot neighborhood approach the City has been utilizing may be best and fairest.

Commissioner Carpenter agreed. He pointed out if a PUD would be developed for residential subdivisions of smaller lots he foresees residents applying for "a lot of PUD's". Carpenter said as previously mentioned by Commissioner Platteter that specific guidelines would need to be established for lots under 75-feet in width or else there would be no regulator. Carpenter stated in his opinion the 500-foot rule has value. It's across the board.

Commissioner Staunton commented if some form of guidelines need to be developed for allowing a PUD in an R-1 zoning district adding the present "500-foot rule" may be best because it establishes guidelines. Staunton suggested that if the Commission was uncomfortable with the present subdivision code using the 500-foot standard to establish neighborhood maybe in the smaller lots neighborhoods the radius could be lessened.

A discussion ensued with Commissioners agreeing that they should proceed with caution in developing a PUD for R-1 lots that require variances. It was also noted there needs to be fairness with the City's approach to this topic. It was suggested that a simple way to approach this on the PUD level may be "what's in it for the City". It was acknowledged that could be considered subjective.

Planner Teague suggested that the Commission could develop a low density PUD or something to the effect of subdivision requiring variances. That could be done in ordinance form. Continuing, Teague added that a number of City's have policies; not ordinances that regulate neighborhood character, etc. Teague told the Commission he would draft something reflecting those sentiments.

The discussion continued with Commissioners requesting that Planner Teague do an informal survey of how other City's deal with subdivisions of non-conforming lots. Commissioners suggested that staff first tackle this from a policy position not ordinance.

## Jackie Hoogenakker

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**From:** Kevin Staunton <kevin@stauntonlaw.com>  
**Sent:** Wednesday, July 25, 2012 2:26 PM  
**To:** Cary Teague; Grabiell, Floyd  
**Cc:** Jackie Hoogenakker  
**Subject:** Zoning Ordinance Amendments

I can't attend tonight's meeting but wanted to pass along a couple of thoughts on the issues on our work session agenda. Please pass this along to the rest of the Commission.

1. Subdivision of Lots of less the 9,000 square feet in area and 75 feet in width. First, I think we are mis-labeling this item. I don't think we are contemplating subdivisions of lots less than 75 feet wide but are, instead, contemplating permitting subdivisions that would *result* in lots less than 75 feet wide (and presumably *result* in lots less than 9,000 square feet in area). Assuming my understanding is correct, we should make that clear. We may also want to consider setting *minimum* width and area thresholds so that there could not be subdivision of lots smaller than certain dimensions (I certainly don't think we want to create lots narrower than 40-50 feet in any area). I also think we need additional thinking on the criteria we use to determine whether the proposed structures on such lots are "compatible and complimentary" with the neighborhood (more on that in the process section below). Finally, I am uncomfortable with promulgating those criteria in a policy; I think they ought to be part of the ordinance so that people can easily find them when contemplating such proposals.
2. Building Wall Heights/Grading. I think we need to think about the problem we are trying to solve before we solve it. Having watched a number of rebuilds on small lots come before us (and hear about a number that don't have to), it does not seem to me that the problem is a lack of mass. To the contrary, we are constantly hearing about too much house on too small a lot. In that context, it seems to me that we ought to — at a minimum — proceed with caution when contemplating ordinance changes that will permit greater mass (albeit in exchange for reduced height). In addition, the proposed ordinance change does nothing to address two other problems we are hearing about — drainage and retaining walls. Rather than take a piecemeal approach to the code on these issues, I'd like to see us be comprehensive. On retaining walls, there are a number of things we could consider — adopting a fence-type "good side/bad side" rule that would require the property owner creating the retaining wall situation to have the "bad" side (i.e., the side with the shear face) facing their property. In the example we heard about at our last meeting, that would have required the builder to dig down on the other side of the property rather than build up on the side he did. We could also consider retaining wall setbacks after so many feet of height or some kind of average grade requirement. On drainage, it seems unacceptable to me that a builder has no restrictions on the amount he may increase the rate of runoff associated with a new house so long as the runoff follows the same path it did before construction. Why can't we require the builder to engineer solutions (such as downspouts to underground stormwater pipes that go directly to the city's stormwater system) that don't make the neighbor suffer the consequences of the new construction. On both of these issues, I am sure there are other good ideas that could address the problems while still permitting reasonable redevelopment of residential properties.
3. Process. The more I think about these issues, the more I understand how much I don't know. To date, we have dealt with this dynamic by staff visiting with some selected local developers to get their suggestions about how to proceed. I'm fine with that being part of our information gathering process (although I'd like to hear from them directly, too) but think we're missing some other experts. People who live in the neighborhoods that have had these issues also know a lot about the how the problems develop and, I'm betting, will have some good ideas about potential solutions. I think we should be working to reach out to folks like those *before* we go to a public hearing (we have, after all, done such outreach with the developers). Such an effort would give us some suggestions to consider on the PUD issues (what is it that makes a new structure "compatible" with a neighborhood?) as well as the mass, scale, drainage, and retaining wall issues. I think it is critical, though, that we do more than merely put out a blanket notice that we want to hear from people. We know people who have

had first hand experiences with these issues. We should be reaching out directly to them and asking them to help us figure out the right answers.

Thanks for considering my suggestions. Sorry I can't be there tonight.

kevin

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**Date:** July 25, 2012  
**To:** Planning Commission  
**From:** Kris Aaker, Assistant Planner  
**Re:** Building wall heights/grading

At the request of Planning Commission city staff has reviewed side yard setback based on side wall height and grade measurements and how potential changes to measurements affect setback and building opportunity. The issue mostly relates to narrow lots of 50-60 feet in width, however, can affect wider lots as well.

Currently side wall height is measured from average proposed grade along the new side wall. This allows opportunity for grade alteration along side yards given the new house plans. Typically if a new home is replacing an older home, the new home is larger in width and depth. If there are grade changes, if the lot slopes down towards the back yard, or if it is an existing walk-out, grade affects how a 1 ½ - 2 story structure can fit on a lot. In general the homes that have been rebuilt on narrower lots are designed to be at the minimum side yard setback so as to maximize building width. Building width given the added setback required for height above 15 feet becomes a challenge on narrow lots. The base side yard setback may be 5 feet, however, depending upon the design of the second floor and grade along the side wall, the width of a second floor may be in the range of 30-35 feet. Designers/builders have indicated that the narrowing of the second floor is complicated by area that's required for stair access to the second floor and needed hallway width.

A solution to some of the height/side yard setback challenges in maximizing second floor width has been to alter the existing grade along the side yard to bring down the height measurement and reduce the required setback. It usually doesn't prevent the need to "tuck-in" the second floor because side wall height in most cases, even with retaining walls to flatten grade, will exceed 15 feet and will require some added setback, (but perhaps just not as much if no retaining walls are put in place). Side wall height issues become magnified if the property is an existing walk-out with the full basement exposed. In some instances, the only way to rebuild on a narrow walk-out lot and replace the existing house with a two story home is to flatten the grade along the side wall; otherwise the required setback for a second floor is unworkable.



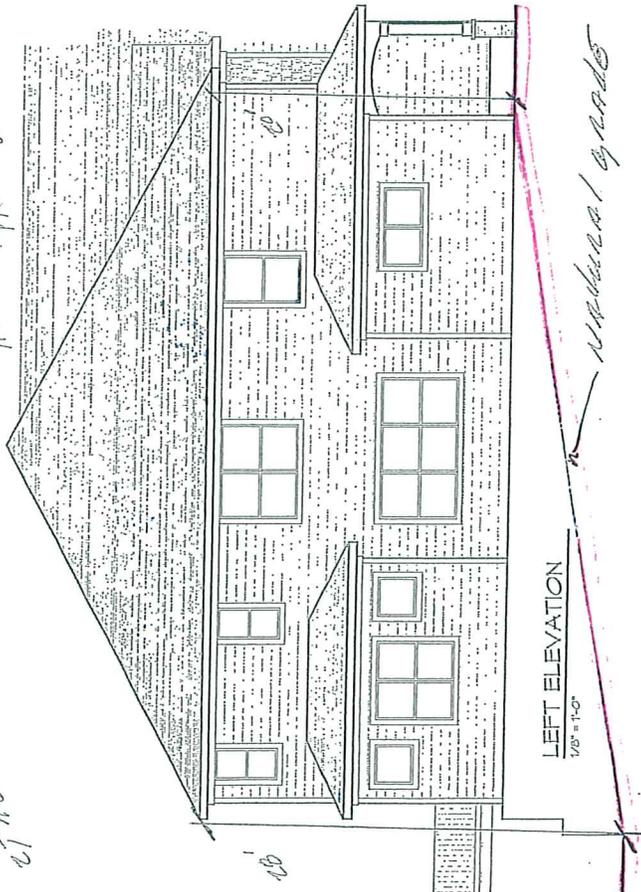
Attached is an example of a home plan proposed for an existing walk-out lot. The existing home is a 1 ½ story walk-out at minimum side yard setbacks. Given that this lot is a walk-out, it's doubtful that the existing home is conforming regarding side yard setback based on side wall height. The new home is larger and will extend farther into the rear yard and with the walk-out, wall height becomes 2 ½ stories. In order to address the height, retaining walls are proposed, however, the height will still require 7.5 foot side yard setbacks from each side lot line for a maximum 2<sup>nd</sup> floor house width of 35 feet on a 50 foot wide lot. Maintaining the existing grade, or measuring height from existing grade would require side yard setbacks of 9.5 feet providing for a second floor width of 31 feet. In this instance and in other instances like this, the question becomes: Is it more imposing on the neighboring property to have retaining walls next door, (walls that can be up to the lot lines), or is it more imposing to allow the full exposed wall height along the side yard with more natural grade changes?

The zoning ordinance does not require a setback for retaining walls, which allows for egress window wells in side yards for homes that are at the minimum 5 foot side yard setback and also allows for walls, steps, etc. around narrow side yards. Grade can be altered for new home construction or it can be altered, (with a permit if required), at any time on a homeowner's property. Retaining walls are often times put in place as part of a landscaping project to level off a yard area, sometimes for a pool, sport court, patio, etc.; projects that may or may not relate to new home construction. While retaining walls have been used to bring down the height measured for setback purposes, they are also implemented on properties for a variety of other reasons and can be necessary to be located up against a lot line. Many properties with grade changes, especially those backing up to creeks and water bodies currently have retaining walls along narrow side yards. It may be suggested that the Planning Commission consider requirements that an "access way" from a front to back yard be delineated on a new home site plan so that grade alterations won't prohibit access along a side yard.

Staff has requested opinions from builders that are familiar with Edina's ordinances regarding these matters. Attached are comments received so far from local builders contacted relating to sidewall height/setback, grading and retaining walls that were received.

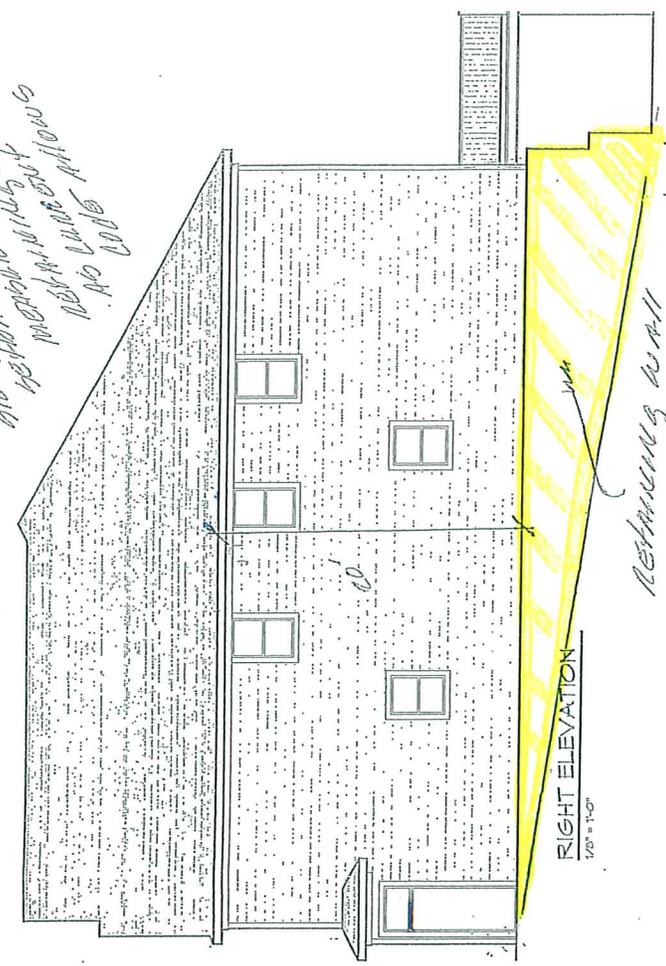
$\frac{20}{21} \times 21' = 19.5'$  wall height = 9.5 foot  
 REQUIRED SIDE WALL if METABOLISM  
 FROM CUSTOMERS BY  
 NO PLUMB COMPANY

20' wall height = 9.5 foot  
 REQUIRED SIDE WALL if METABOLISM  
 FROM CUSTOMERS BY  
 NO PLUMB COMPANY



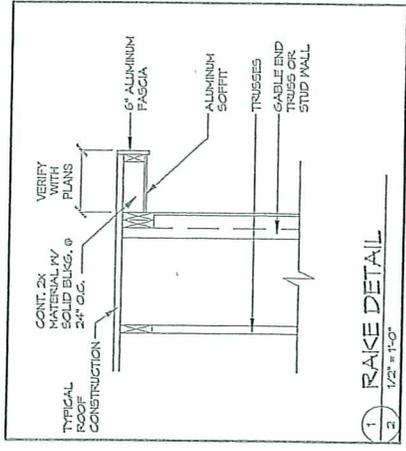
LEFT ELEVATION  
1/8" = 1'-0"

natural grade

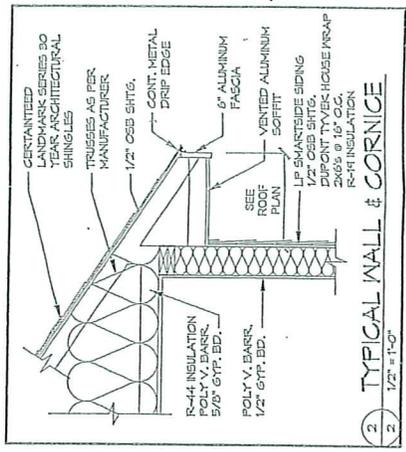


RIGHT ELEVATION  
1/8" = 1'-0"

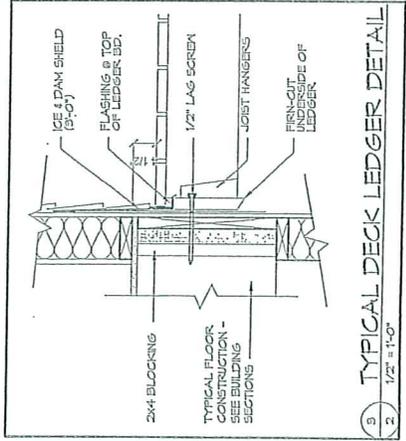
returning wall



1 RAKE DETAIL  
1/2" = 1'-0"



2 TYPICAL WALL & CORNICE  
1/2" = 1'-0"



3 TYPICAL DECK LEDGER DETAIL  
1/2" = 1'-0"

## Kris Aaker

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**From:** Scott Busyn <scottbusyn@comcast.net>  
**Sent:** Thursday, July 19, 2012 9:20 AM  
**To:** Kris Aaker  
**Cc:** 'Margaret'  
**Subject:** RE: Ordinance amendment regarding maximum height requirements in the R-1 Zoning District

Hi Kris:

Most lots in Edina have some type of existing grade drop off from front to back. Urban, grid-layout neighborhoods such as Country Club, South Harriet Park, Morningside, etc will have small grade dropoffs of 2-5'. Neighborhoods with more natural, varied topography and street layouts with homes built on hills, abutting creeks, lakes, or wetlands will have more dramatic grade drop offs from front to back. In all cases, the grade drop off is there for drainage of the property to the adjacent low grades and subsequent larger drainage areas whether it's a swale at the rear lot line, a creek, storm drain, or lake/creek. There really are very few "flat" lots. Therefore, this ordinance change would impact almost every lot in Edina.

The impacts to building if the sideyard heights were measured from existing grade would be:

1. New homes or additions to new homes would have to be staggered down as the grade dropped going back. The main level, lower level, and upper level would all need to add step down or stairs down inside the home. We have designed sunken living rooms and lower level media rooms, but I would have tough time selling sunken master bedrooms. Many of the new homes we are building along the creek are for aging empty nesters. I feel these step down designs would be a safety hazard for this aging demographic. I
2. New homes or additions would have to narrow as they went back to meet the sideyard height requirement. This would create a telescope type design (wide in the front, narrow in the back). This type of zoning is in direct conflict with today's home trend towards wide and open floor plans in the rear of the home. Almost every new home or addition we build today has an open kitchen/great room design in the rear of the home which requires a wider building footprint in the rear of the home.
3. The combination of these two issues would make any lot that had a lookout or walkout type grade unbuildable or unsuitable for an addition. I also think it would unfairly impact lots with small grade drop offs as well.

I feel Edina's current set of zoning rules are working well overall. As a builder, the current rules encourage builders to design homes that maintain the streetscape of Edina's neighborhoods. I understand the Planning Commission is hearing complaints about retaining walls being built. It sounds like these complaints are due to a new retaining wall being built that prevents the homeowner from getting into their backyard without going on a neighbors property. I would rather see this issue dealt with by requiring a minimum 36" access to the backyard on at least one side of the property. This is a simple fix that will allow the homeowners to design a solution without the City getting into the design business.

I appreciate the opportunity to provide feedback on this issue. Please let me know if can be of additional assistance.

Thanks,

Scott Busyn  
Great Neighborhood Homes, Inc.  
4615 Wooddale Avenue  
Edina, MN 55424  
Ph: 952-807-8765  
Fx: 952-926-1168  
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**From:** Kris Aaker [mailto:KAaker@EdinaMN.gov]  
**Sent:** Monday, July 16, 2012 10:22 AM  
**To:** 'Scott Busyn'  
**Subject:** RE: Ordinance amendment regarding maximum height requirements in the R-1 Zoning District

Scott,  
Cary wanted me to contact builders to get their opinions on discussion that occurred at the last Planning Commission meeting. The question that came up was: What is the impact on rebuilding on a narrow lot if the height/setback rules remain the same and side wall height is now measured from the average existing grade along the new side building wall, instead of average proposed grade. Your comments would be appreciated. The Planning Commission will be discussing possible ordinance changes at a work session after their July 25, 2012 Planning Commission meeting.

Thanks,  
Kris



**Kris Aaker, Assistant Planner**

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Please make note of my new email address.  
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**From:** Scott Busyn [<mailto:scottbusyn@comcast.net>]

**Sent:** Thursday, July 12, 2012 9:20 AM

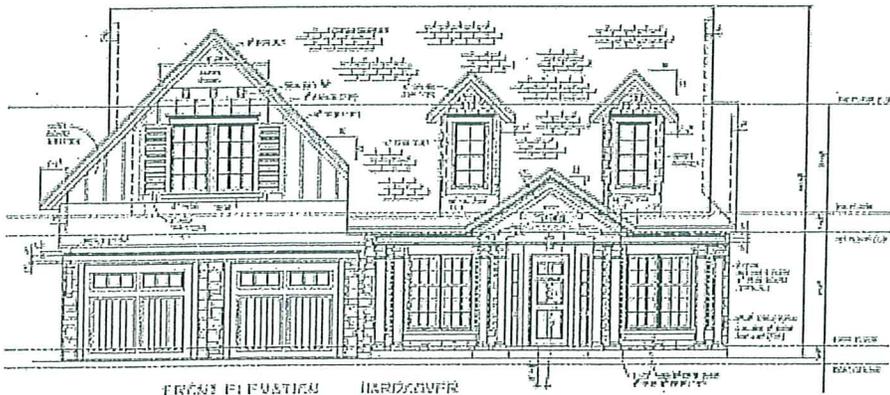
**To:** Cary Teague

**Cc:** Kris Aaker

**Subject:** RE: Ordinance amendment regarding maximum height requirements in the R-1 Zoning District

Hi Cary,

I took a look at how this ordinance change would impact any of the houses we have built recently. Since the 15' side yard height was measured to the midpoint of the gable, the side yard ridge heights are already higher than 15' in most cases. Therefore, on a house lower than 30', removing the side yard requirement won't impact the look too much other than allowing a more classic side yard ridge that you would find on 1940's capes and colonials. For example, we could eliminate the clipped roofs on the following house we are building at 5337 Oaklawn:



The payback on this amendment would be that you would promote building houses below 30'. I also like removing the midpoint height measurement as well.

Thanks for working on this. Please let me know if you have any questions.

Scott Busyn  
Great Neighborhood Homes, Inc..  
4615 Wooddale Avenue  
Edina, MN 55424  
Ph: 952-807-8765  
Fx: 952-926-1168  
[www.greatneighborhoodhomes.com](http://www.greatneighborhoodhomes.com)

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**From:** Cary Teague [mailto:[cteague@EdinaMN.gov](mailto:cteague@EdinaMN.gov)]  
**Sent:** Thursday, July 05, 2012 9:00 AM  
**To:** 'Scott Busyn'  
**Cc:** Kris Aaker  
**Subject:** Ordinance amendment regarding maximum height requirements in the R-1 Zoning District

Hi Scott,

Attached is a potential ordinance amendment to deal with the height requirements that we discussed a couple weeks ago. I brought the idea up with the Planning Commission at our last meeting, and they seemed to be ok with the concept.

The Ordinance would simply exempt homes with a ridge height of no more than 30 from the increase in side yard setback if the structure is taller than 15 feet.

We are also suggesting the elimination of the mid-point height requirement since we are regulating height to the ridge line now for single-family homes.

Please let me know if you have any thoughts, comments or suggestions.

Thanks!

Cary



**Cary Teague, Community Development Director**

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We're a *do.town* ... working to make the healthy choice the easy choice!

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(Email Guard: 7.0.0.21, Virus/Spyware Database: 6.20090)  
<http://www.pctools.com>  
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(Email Guard: 7.0.0.21, Virus/Spyware Database: 6.20160)  
<http://www.pctools.com>  
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**Date:** July 11, 2012

**To:** Planning Commission

**From:** Cary Teague, Community Development Director

**Re:** Building Height

As we briefly discussed at our last Planning Commission meeting, some concern has been raised to the City Council in regard to the setback requirements of the second story of single-family homes being built on narrow lots. Request has been made to relax this standard if the ridge line height of the home is below the maximum height requirement. Therefore, if the overall height of the home is reduced, extra area on the second story could be added toward the side lot line.

Attached is a draft ordinance that would exempt the second story setback requirement if the ridge line of a house is reduced to 30 feet. The current maximum height to the ridge line is 35-40 feet. The required structure setback on the ground would not be impacted by the proposed ordinance.

Builders have indicated to staff that this provision would create more creativity for building design. The attached homes have been cited as examples that could have benefited from the suggested Ordinance amendment. The examples include a home built to the 35-foot ridge line maximum, and a home built to the 30-foot ridge line. These homes are located in the 5900 block of Fairfax. When driving down this block, the home with the 35-foot ridge line appears much taller than all others in the neighborhood. The home at 30 feet seems to fit in better with the older homes. The proposed Ordinance would incent builders to reduce the ridge line in order to achieve more square footage on the second story.

Additionally, because we now regulate height to the ridge line, staff is recommending that we eliminate the requirement for a maximum height to the midpoint of pitched roof.

ORDINANCE NO. 2012-\_\_

AN ORDINANCE AMENDMENT REGARDING MAXIMUM HEIGHT REQUIREMENTS IN THE R-1 ZONING DISTRICT

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The City Council Of Edina Ordains:

**Section 1.** Subsection 850.11. Subd. 7.A.3. is hereby amended as follows:

**Subd. 7. Special Requirements.** In addition to the general requirements described in Subsection 850.07, the following special requirements shall apply.

3. Interior Side Yard Setback. The required interior side yard setback for **all structures with a ridge height exceeding 30 feet** shall be increased by 6 inches for each foot the building height exceeds 15 feet.

For purposes of this subparagraph, building height shall be the height of that side of the building adjoining the side lot line and shall be measured from the average proposed elevation of the ground along and on the side of the building adjoining the side lot line to the top of the cornice of a flat roof, to the deck line of a Mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the average distance of the highest gable on a pitched roof, or to the top of a cornice of a hip roof.

**Section 2.** Subsection 850.11. Subd. 6.C. is hereby amended as follows:

C. Height

1. Single dwelling unit buildings and structures accessory thereto. ~~2 ½ stories or 30 feet whichever is less~~
2. Buildings and structures accessory to single dwelling unit buildings, but not attached thereto. 1 ½ stories or 18 feet whichever is less

3. All other buildings and structures 3 stories or 40 feet  
whichever is less

4. The maximum height to the highest point on a roof of a single or double dwelling unit shall be 35 feet. The maximum height may be increased by one inch for each foot that the lot exceeds 75 feet in width. In no event shall the maximum height exceed 40 feet.

**Section 3.** Subsection 850.12. Subd. 5.C.is hereby amended as follows:

C. Height: 2-1/2 stories or 30 feet, whichever is less. **The maximum height to the highest point on a roof of a single or double dwelling unit shall be 35 feet. The maximum height may be increased by one inch for each foot that the lot exceeds 75 feet in width. In no event shall the maximum height exceed 40 feet.**

**Section 4.** This ordinance is effective immediately upon its passage and publication.

First Reading:

Second Reading:

Published:

ATTEST:

---

Debra A. Mangen, City Clerk

James B. Hovland, Mayor

Please publish in the Edina Sun Current on:  
Send two affidavits of publication.  
Bill to Edina City Clerk

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 Ordinance was duly adopted by the

Existing text – XXXX  
Stricken text – XXXX  
Added text – **XXXX**

Edina City Council at its Regular Meeting of \_\_\_\_\_, 2012, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

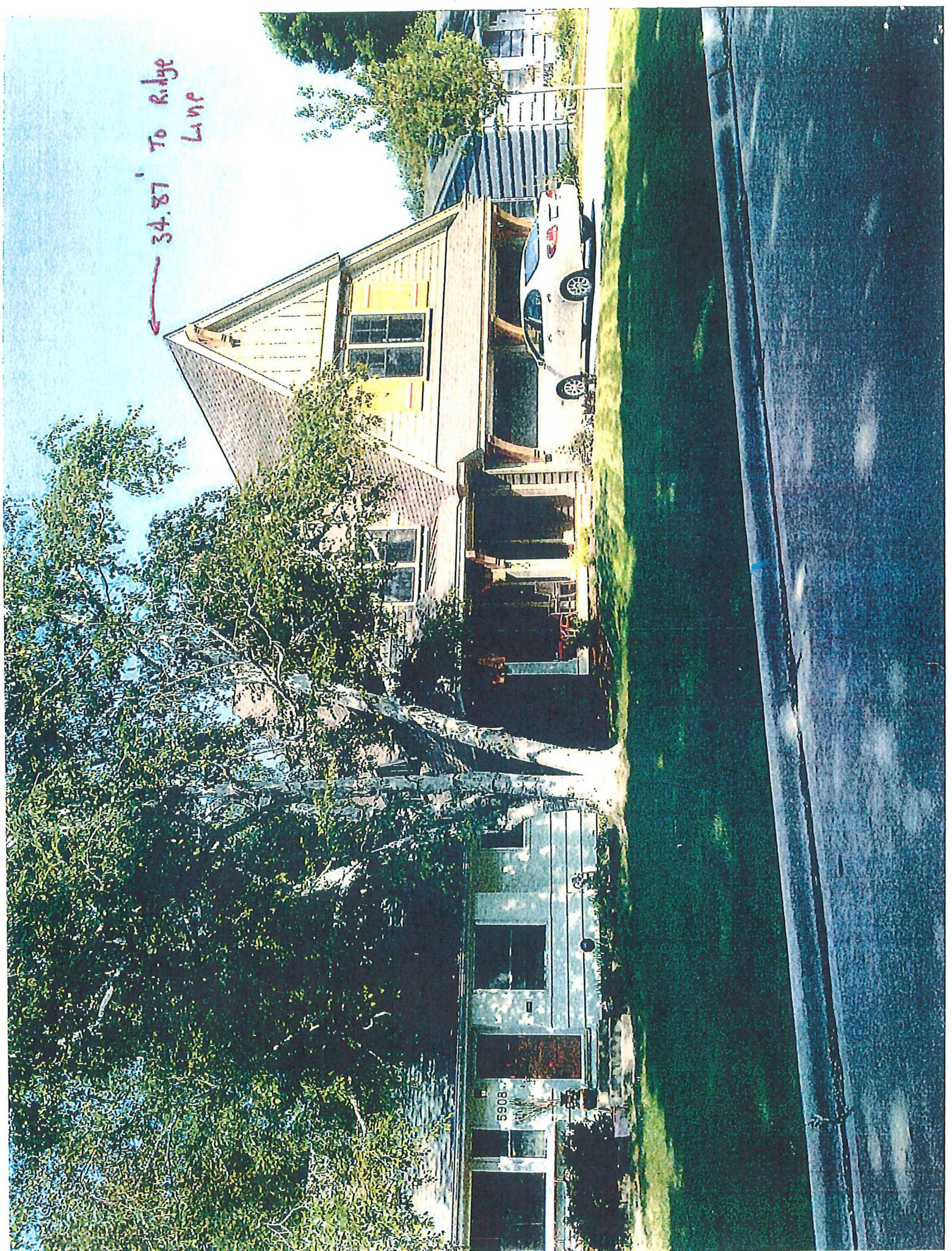
\_\_\_\_\_

City Clerk

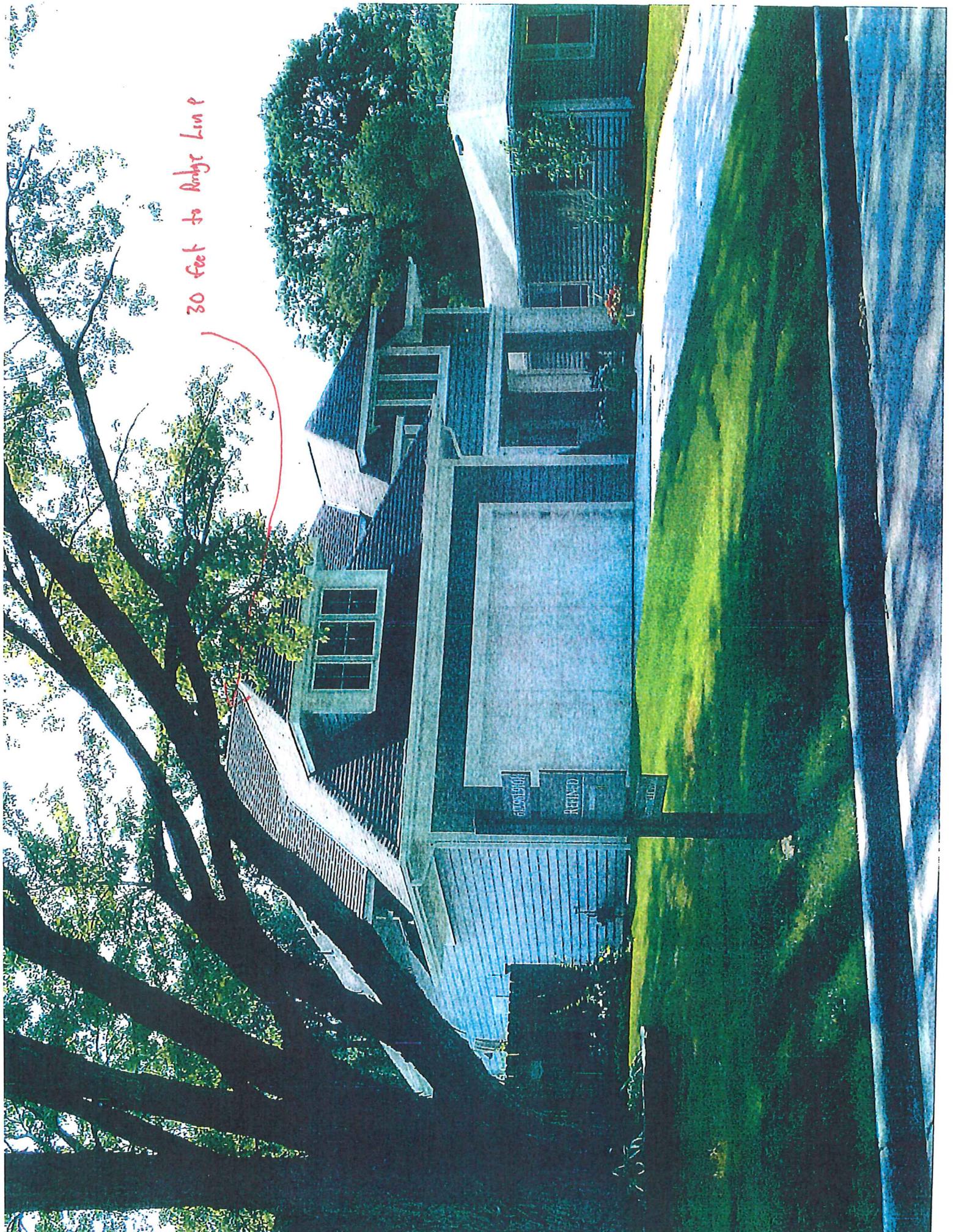


34.67'  
to R. by  
Linc

34.87' To Ridge  
Line



30 feet to Ridge Line





City Hall • Phone 952-927-8861  
Fax 952-826-0389 • www.CityofEdina.com



**Date:** July 11, 2012

**To:** Planning Commission

**From:** Cary Teague, Community Development Director

**Re:** Grading on 50-foot lots

Based on the concern raised by the resident on 54<sup>th</sup> and Woodcrest, and by Councilmember Bennett in regard to grading for the new home built at 4213 Morningside; Wayne Houle, director of engineering will attend the Planning Commission meeting on July 11<sup>th</sup> to discuss this issue. (See the attached memo from director Houle.)

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The Planning Commission is asked to consider and discuss whether or not the City should further regulate grading and drainage on property. Additionally, consider requiring access from front yards to rear yards, which was the problem at 4213 Morningside. In general single-family home lots in Edina can access rear yards from the front, however, there are instances when a lot has been graded or landscaped to prevent outdoor access.

For background, attached is the information that was presented to the Planning Commission at your last meeting.

Engineering Department • Phone 952-826-0371  
Fax 952-826-0392 • www.CityofEdina.com



**Date:** July 6, 2012  
**To:** Cary Teague – Community Development Director  
**From:** Wayne Houle, PE – Director of Engineering  
**Re:** Single Family Home Site Reviews by Engineering Department

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- Verify if a retaining wall needs to be designed by a structural engineer due to the height.
- Checks for easement encroachments – most easements are noted on the City mapping system. However, Hennepin County is the agency that is responsible for recording and maintaining records of all easements.
- Check for new curb cuts (number of driveways and location) to conform with City Code.
- Verify the sanitary sewer service invert elevation compared to the proposed elevation of the new home (lower level – so home can drain by gravity).

Let me know if you need more information on what we look at during a typical review.

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**Date:** June 14, 2012

**To:** Planning Commission/ Cary Teague, Community Development Director

**From:** Kris Aaker Assistant Planner

**Re:** 5427 Woodcrest

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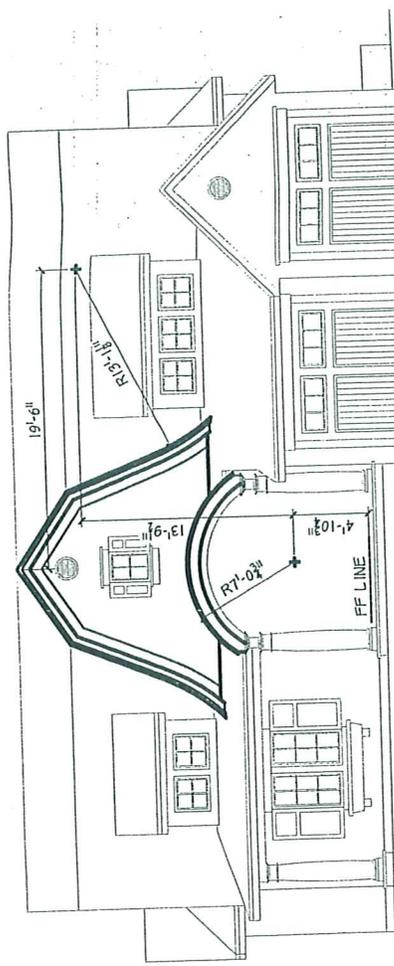
# 11184-54c

**TO REQUEST AN INSPECTION  
YOU MUST HAVE YOUR  
PERMIT NUMBER**

**STATE ELECTRICAL INSPECTOR**  
Doug Torvund  
612 866 5895, M-F, 7:00-8:30 AM  
**SEPARATE PERMIT REQUIRED!**

.....  
Separate, additional approvals  
permits and inspections  
required for plumbing, HVAC,  
electrical, fire protection and  
signage work.  
.....

Provide *asbuilt* survey indicating  
top of foundation prior to backfill  
inspection

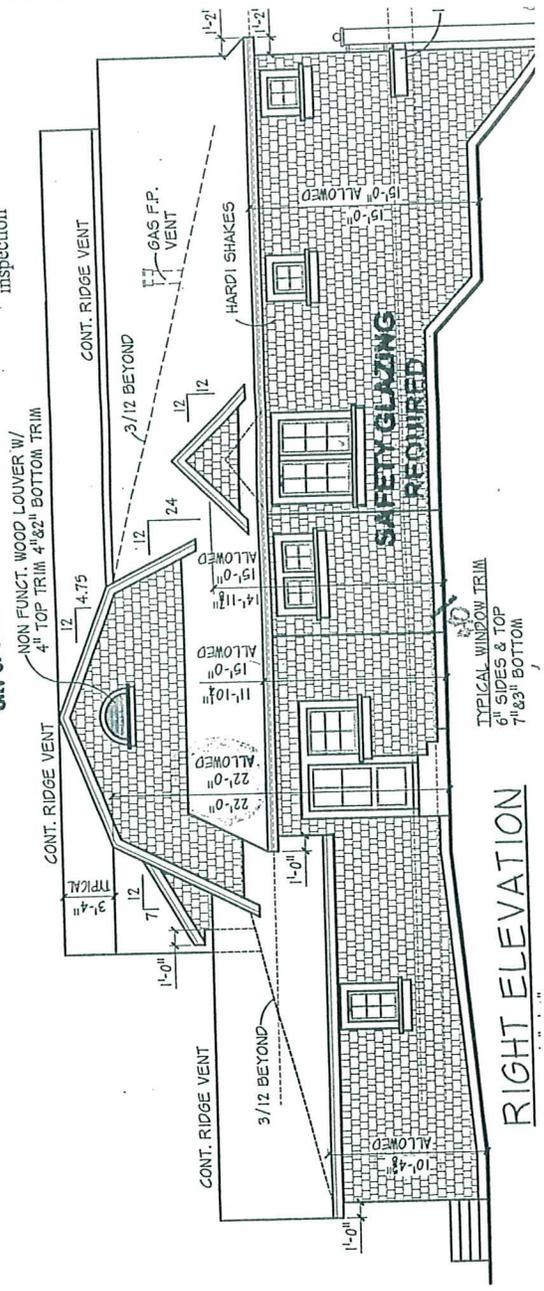


**FRONT RADIUS DETAIL**

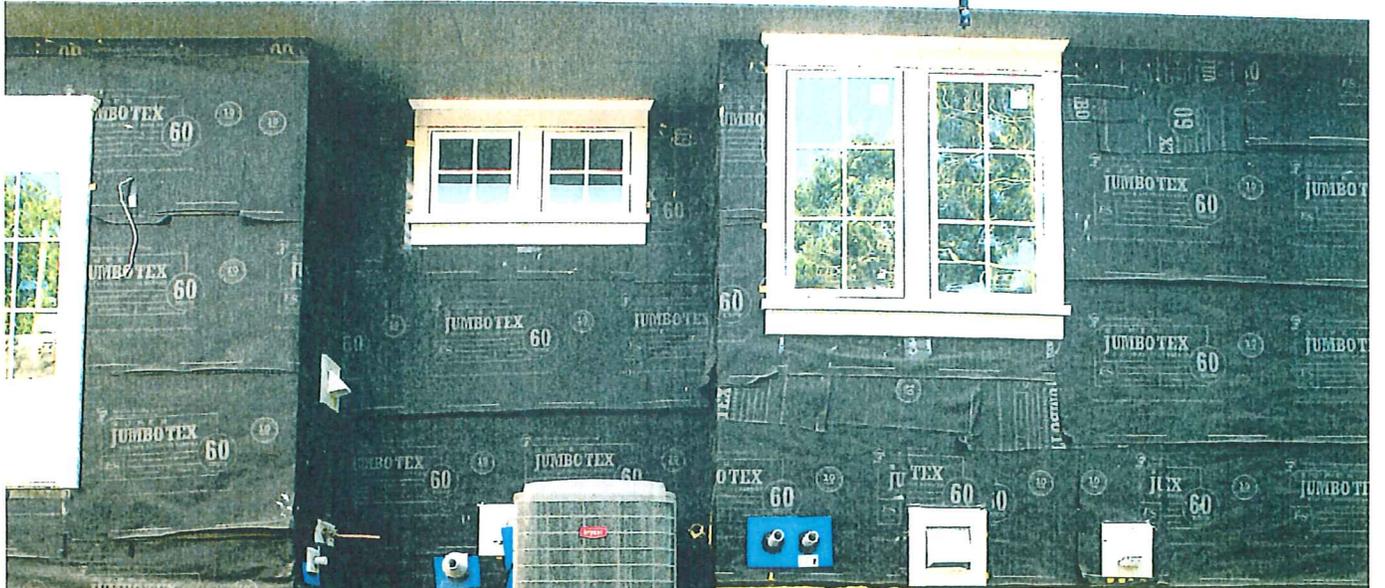
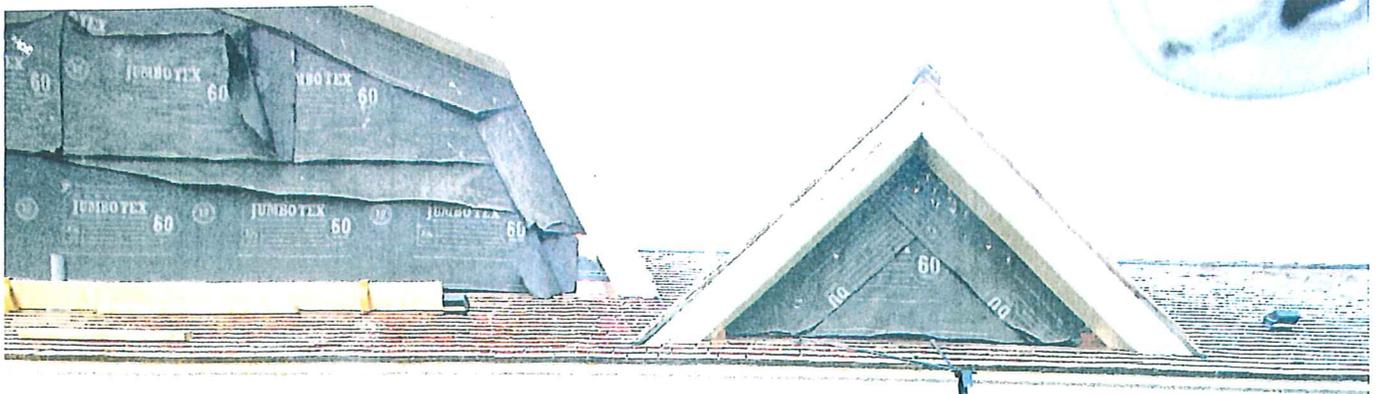
SCALE: 1/8"=1'-0"

**CONCEPT  
APPROVED**

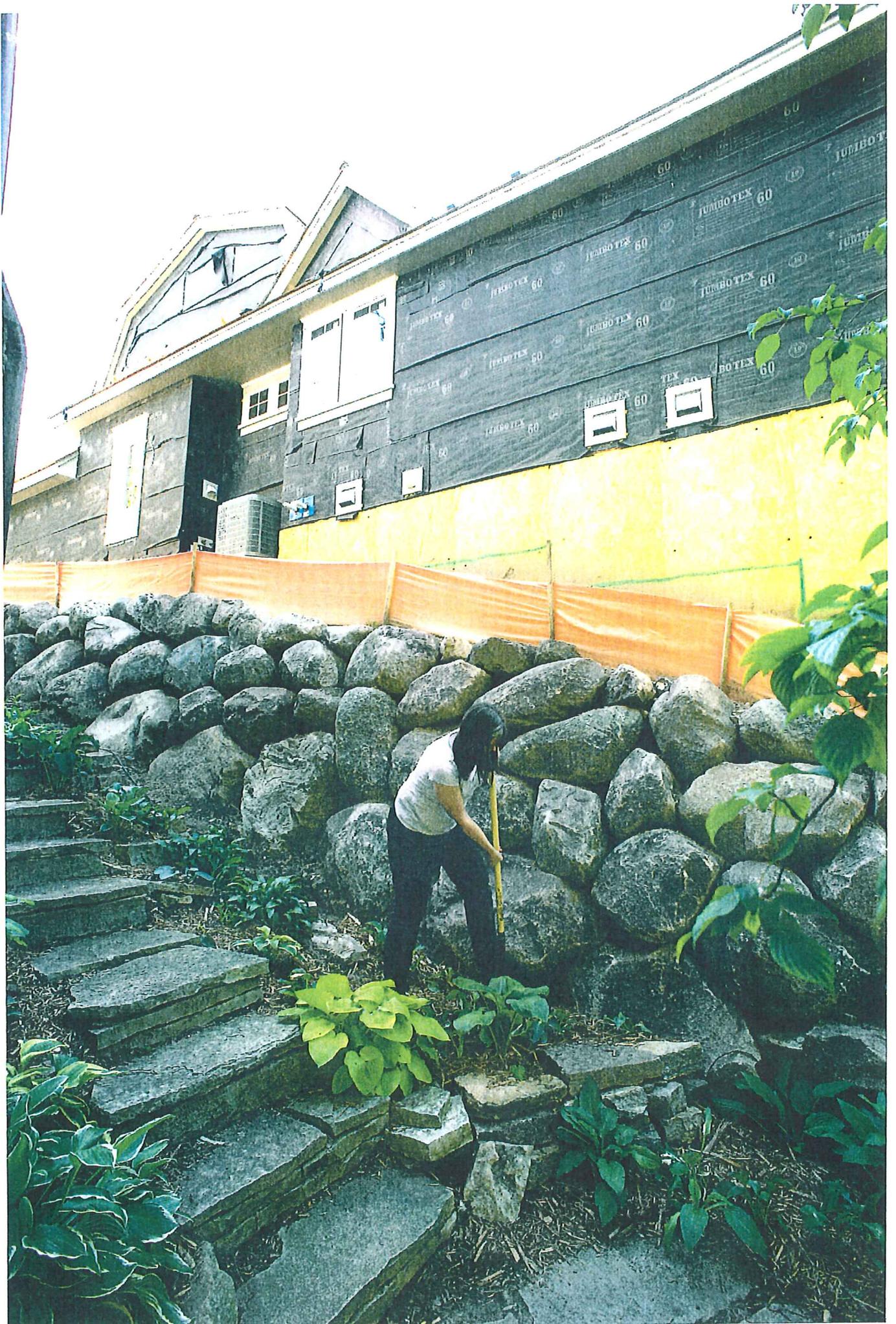
Mike Kniste  
Date: 12-15-11  
City of Edina Bldg. Dept.



**RIGHT ELEVATION**



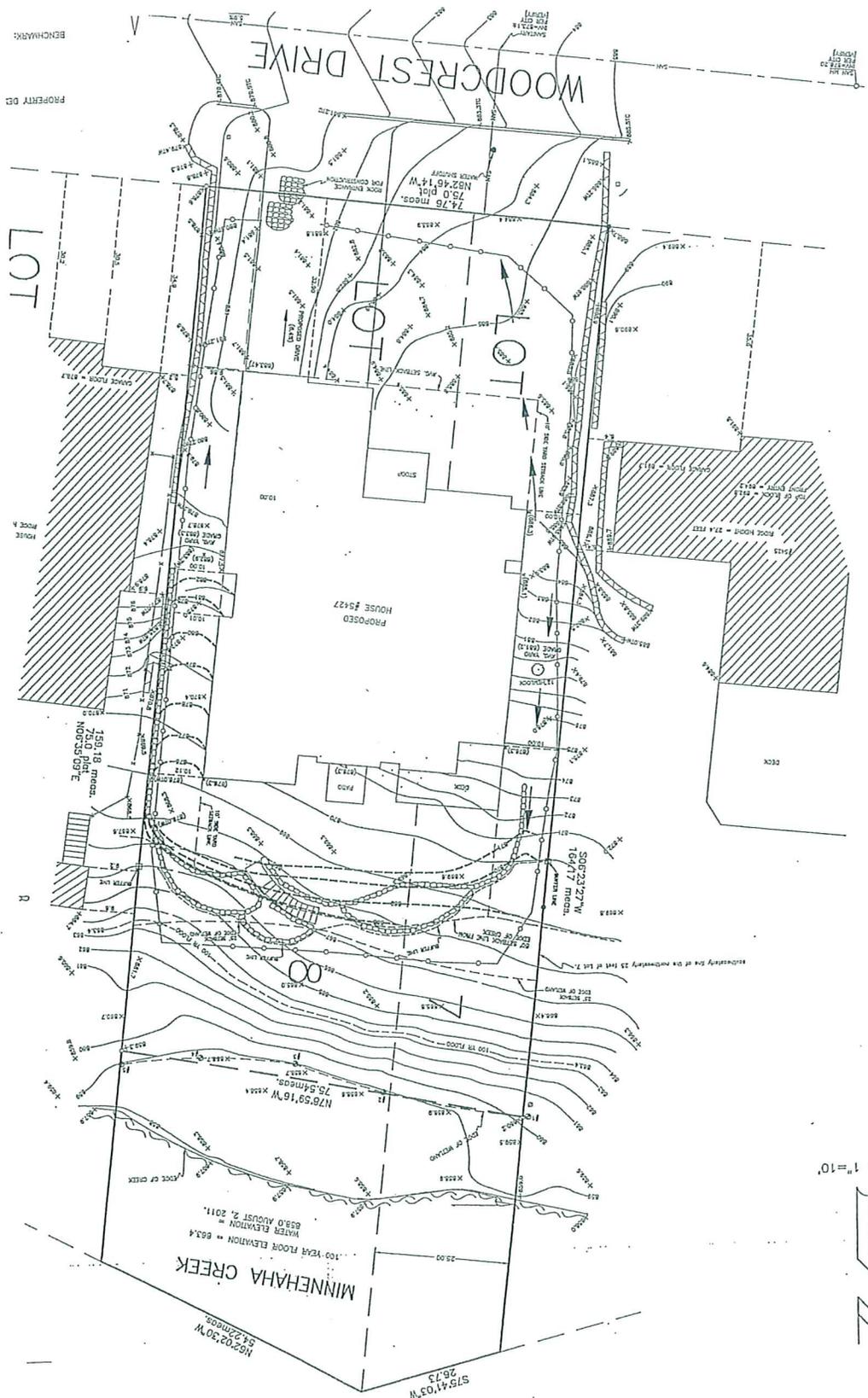




PROPOSED SITE PLAN FOR:  
GREAT NEIGHBORHOOD HOMES

{5427 WOODCREST DRIVE}

SCALE: 1"=10'



WOODCREST DRIVE

LOT

HOUSE R

R

MINNEHAHA CREEK

{5427 WOODCREST DRIVE}

## Cary Teague

---

**From:** Joni Bennett <jonibennett12@comcast.net>  
**Sent:** Tuesday, June 19, 2012 2:49 PM  
**To:** Scott Neal  
**Cc:** Cary Teague  
**Subject:** Fwd: teardown/rebuild - new owners accessing their backyard via neighbors' driveway

Hello, Scott -

I would appreciate very much any information that can help this homeowner. See you about 3:30 -

Joni

Begin forwarded message:

**From:** "Janet Ingram" <jringram@engunl.com>  
**Date:** June 14, 2012 7:52:22 AM CDT  
**To:** <jonibennett12@comcast.net>  
**Subject:** Edina City Council

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I live at 4215 Morningside Rd. and spoke with you last year about my concerns with the house being built at 4213 Morningside. We thought it was too big for the lot and asked you to check on it. You spent a lot of time with me on the phone and checking with the city planner and emailed me the results. In the end, it was decided that the house met the criteria and it went ahead as planned.

Now the house is finished and they are just about done with the retaining walls. As far as I can see, there is no access to their backyard without going through their house or using our drive way. We allowed them to use our driveway during construction because there was obviously no way to get a bobcat in and we wanted to be good neighbors. The previous owner's access was on the other side of the house. However, the current owners chose to build as close as possible to that property line, then, yesterday built a wall blocking access there. It never occurred to us that they would expect us to share our driveway as permanent access to their backyard. This is unacceptable.

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have to worry about children in our driveway because they certainly will not think twice about using the convenient route beside their house rather than walking back through their house. How will they get a lawn mower from their garage in front to their backyard? They are now landscaping and of course they are using our driveway.

Please check with the city to find a solution to the problem they helped create. Our driveway is not public property.

I thank you for all your help in the past and look forward to hearing from you.

Thank You,

Janet Ingram  
4215 Morningside Road  
Edina, MN 55416

Work email: [jringram@engunl.com](mailto:jringram@engunl.com)

Home email: [jsingram@comcast.net](mailto:jsingram@comcast.net)

Cell phone:952-686-1225



Lot line

4213 Norway side

City Hall • Phone 952-927-8861  
Fax 952-826-0389 • www.CityofEdina.com



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### City of Edina

**Legend**

- Surrounding House Number Labels
- House Number Labels
- Street Name Labels
- City Limits
- Creeks
- Lake Names
- Lakes
- Parks
- Parcels
- 2009 Aerial Photo

Map extent: 431015 - 431015 - 431015 - 431015  
Copyright: 2009 G-8 2009

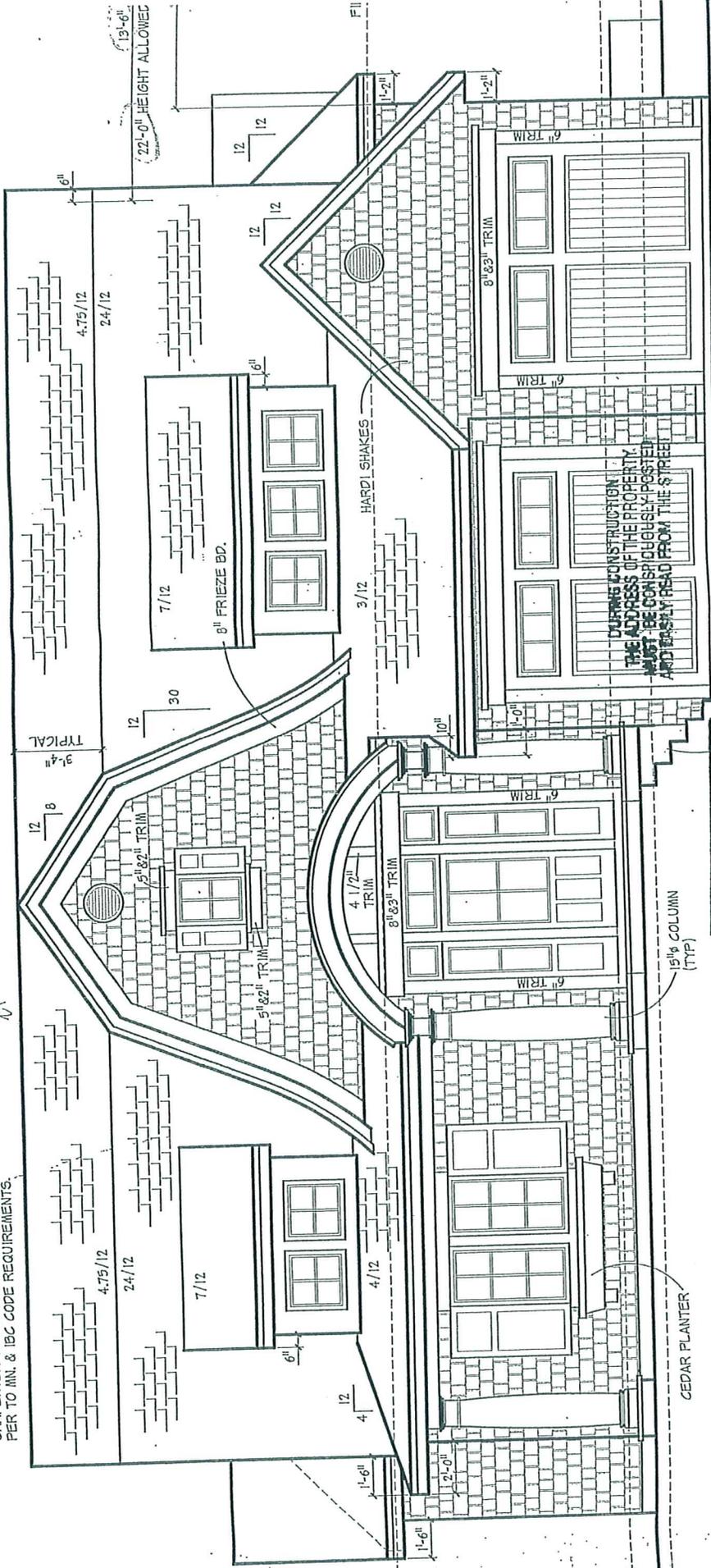
	<p><b>PID: 1902824110068</b></p> <p><b>5427 Woodcrest Dr</b> Edina, MN 55424</p>	
--	--	--

Property

Assessing



- \* EXTERIOR WALL FINISHER TO VERIFY KICKOUT FLASHING IS INSTALLED PRIOR TO FINISHING
- \* CARPENTER TO FLASH ALL EXTERIOR WINDOWS AND DOORS PER TO MIN. & IBC CODE REQUIREMENTS.



Minimum 4" high, contrasting building address numbers, visible from the street are required on the building

**FRONT ELEVATION**  
 SCALE: 1/4"=1'-0"  
 1ST FLOOR 2,659 SQ. FT.  
 BSMT. FIN. 1,521 SQ. FT.  
 TOTAL FIN. 4,180 SQ. FT.

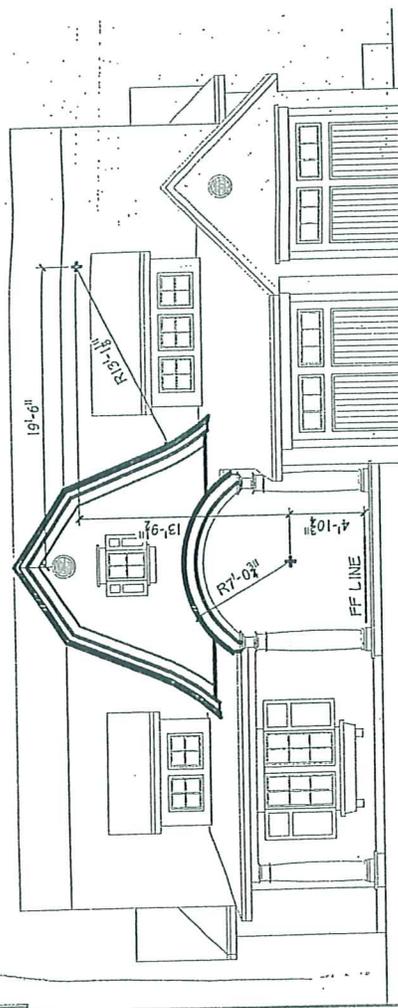
24' x 11' = 264  
 24' x 6' = 144  
 11' x 6' = 66

# 11184-542

TO REQUEST AN INSPECTION  
YOU MUST HAVE YOUR  
PERMIT NUMBER

STATE ELECTRICAL INSPECTOR  
Doug Torvund  
612 866 5895, M-F, 7:00-8:30 AM  
SEPARATE PERMIT REQUIRED

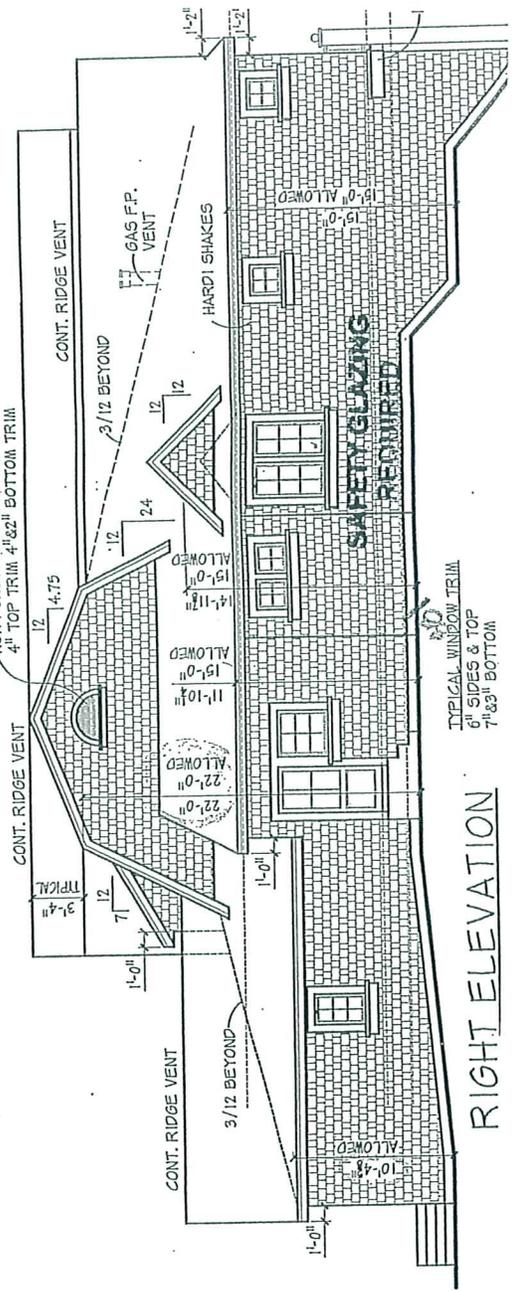
- ..... Separate additional approvals, permits and inspections required for plumbing, HVAC, electrical, fire protection and signage work.
- ..... Provide *as-built* survey indicating top of foundation prior to backfill inspection



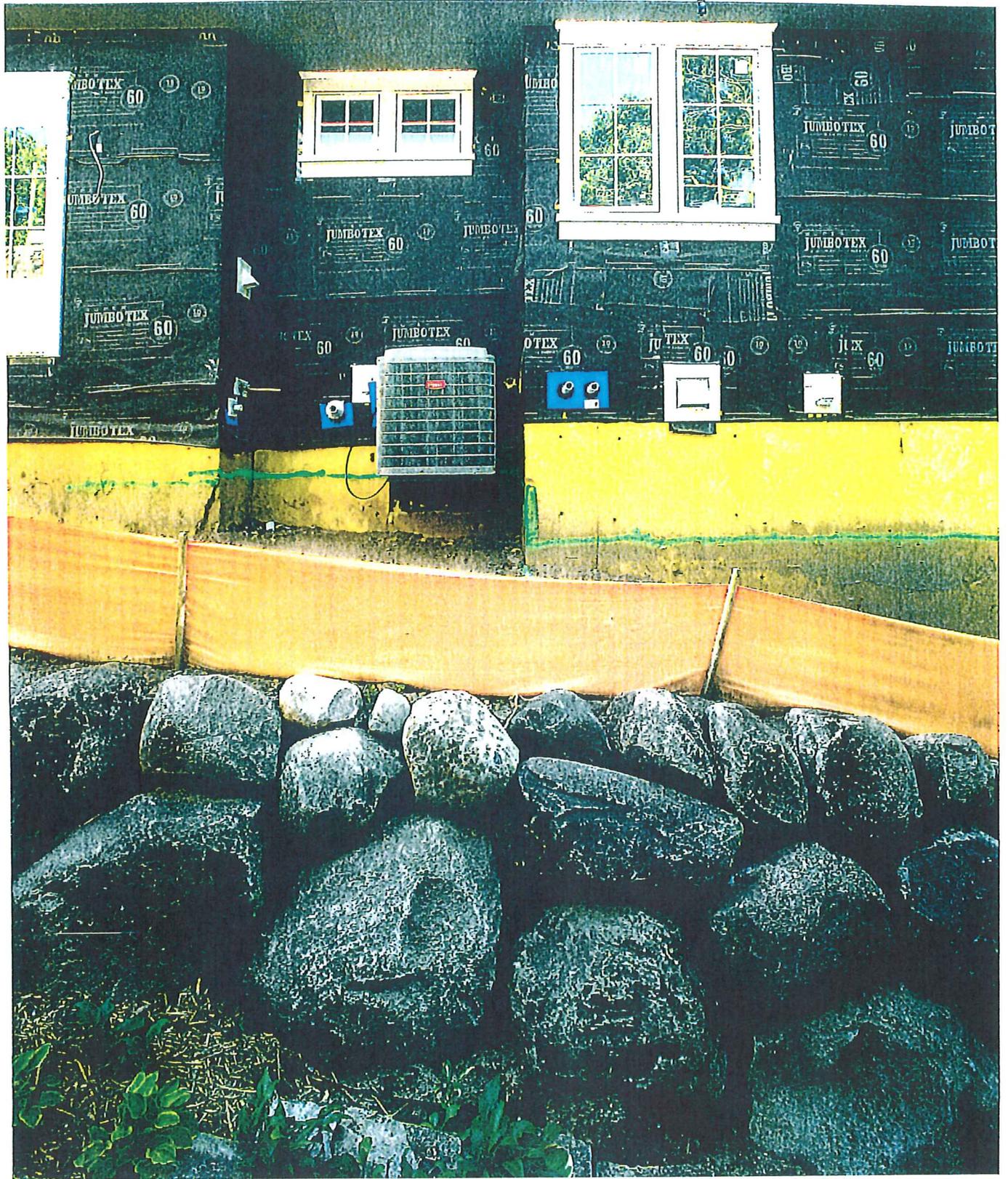
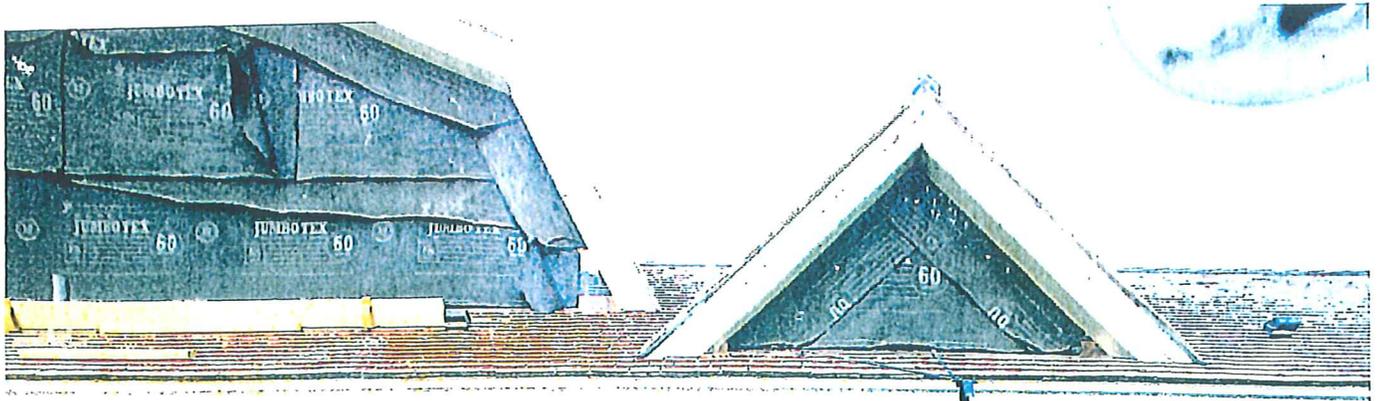
FRONT RADIUS DETAIL  
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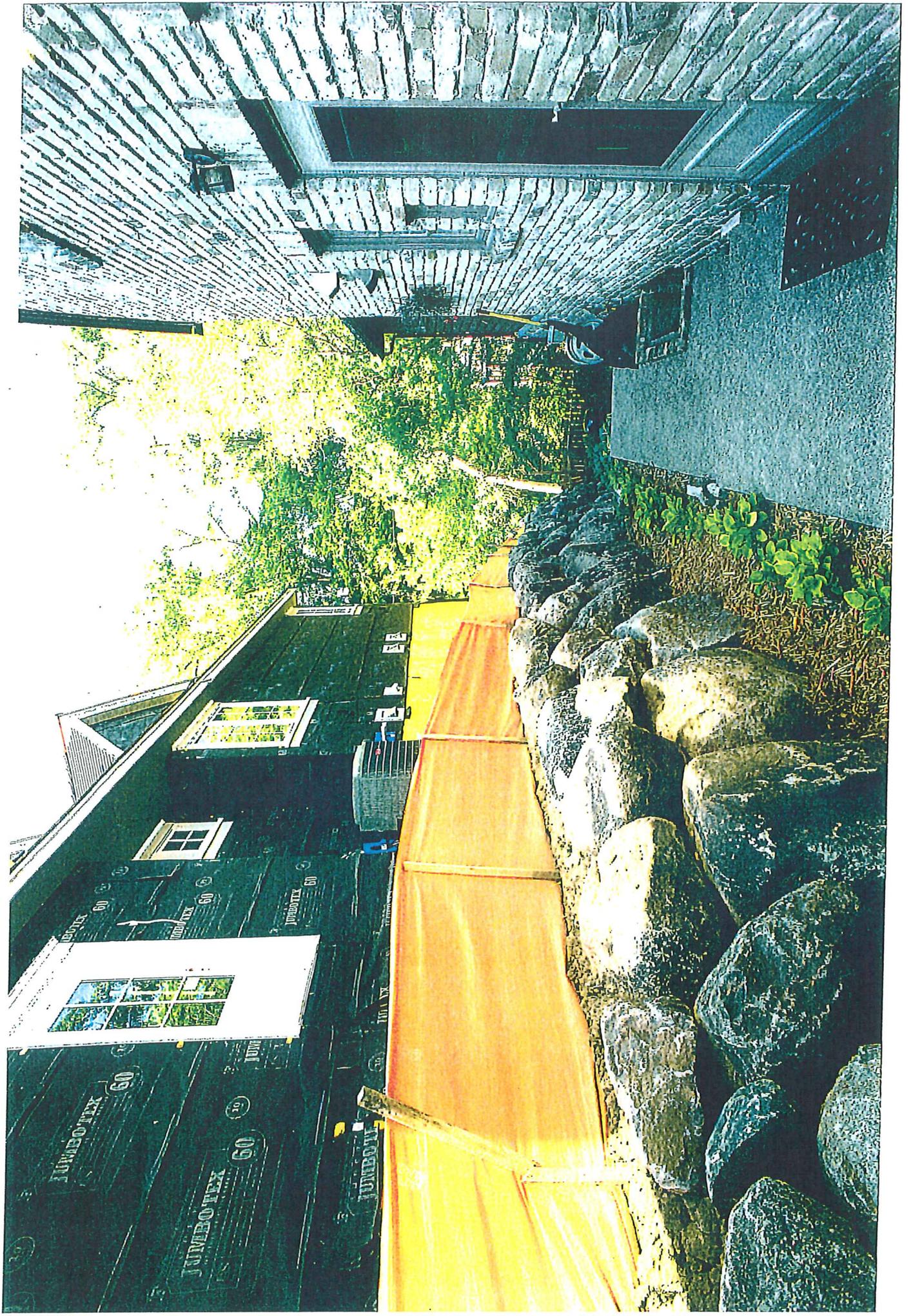
CONCEPT  
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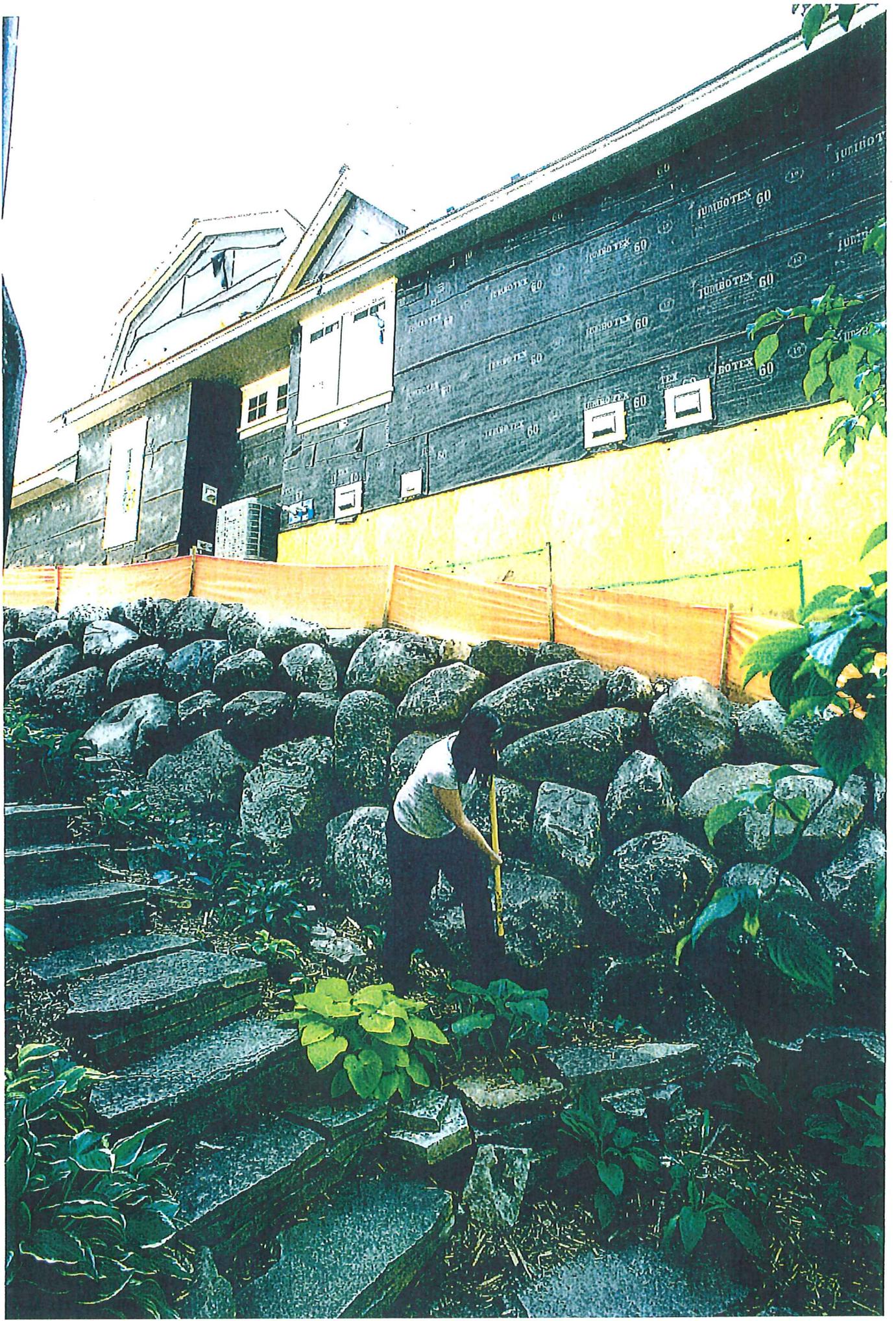
Mike Kuske  
Date 12-15-11  
City of Edina Eng. Dept.

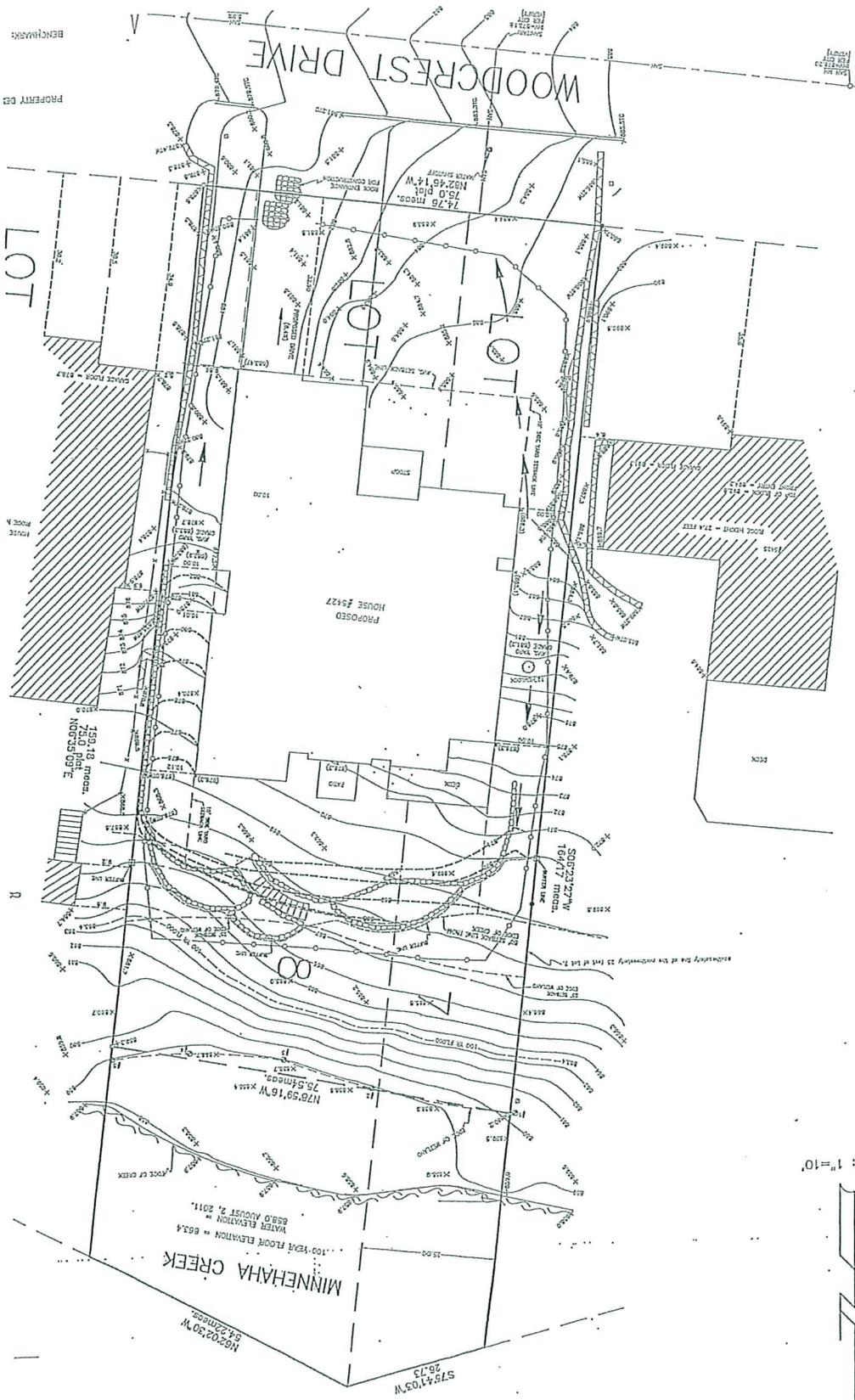


RIGHT ELEVATION









BENCHMARK  
PROPERTY DE

LOT

HOUSE B

R

PROPOSED SITE PLAN FOR:  
GREAT NEIGHBORHOOD HOMES  
{5427 WOODCREST DRIVE}

SCALE: 1"=10'



OFFICE COPY  
Clear Copy #111184  
Survey - New Home 12-15-11

CITY OF EDINA  
DEC 1 9 2011  
BUILDING DEPARTMENT

## Cary Teague

---

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Work email: [jringram@engunl.com](mailto:jringram@engunl.com)

Home email: [jsingram@comcast.net](mailto:jsingram@comcast.net)

Cell phone:952-686-1225



Lot 107

4213 Morning side



