



PLANNING COMMISSION STAFF REPORT

Originator Cary Teague Director of Planning	Meeting Date April 9, 2014	Agenda # VI.C
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INFORMATION/BACKGROUND

Project Description

Mathias Mortenson is proposing to tear down a single-family home and construct a new double dwelling unit at 3923 49th Street. (See property location on pages A1–A5, and the applicant’s plans and narrative on pages A6–A32.) The property is located adjacent to the 50th and France retail area; just north of the former Edina Realty Building site, now owned by the City of Edina, and east of a four story apartment building. To accommodate the request the applicant is requesting the following:

- A Preliminary Rezoning from R-1, Single Dwelling Unit District to R-2, Double Dwelling Unit District;
- Lot Area Variance from 15,000 s.f. to 8,816 s.f.;
- Lot Width Variance from 90 feet to 65 feet;
- Building Coverage from 25% to 34%;
- Front yard setback Variance from 34.5 feet to 30 feet;
- Side yard setback Variance from 15.75 feet to 10 feet on the east side;
- Side yard setback Variance from 19.5 and 15.75 to 10 feet on the west side; and
- A retaining wall setback Variance from 3 feet to 0 feet.

The applicant went through a Sketch Plan review with the Planning Commission and City Council. (See the minutes from each review on pages A33–A36.) In an effort to address some of the concerns raised, the applicant has eliminated one of the drive entrances to the site, and the handicap accessible walkway to sidewalk to the front of the house. This reduced the impervious surface on the lot. (See side by side comparison on page A7–A8.) The applicant has not however, reduced the footprint of the structure, the mass and scale of the structure, or addressed architectural concerns that were raised. (See pages A33–A36.)

The applicant’s narrative does not include requests for the front or side yards setback Variances. These additional Variances were discovered by staff as part

of the review of the submittal package. The front yard setback requirement is established by the average of the structures on either side of this property, therefore a 34.5 foot setback is required when averaging the adjacent structures. The side yard setback must be increased 6 inches for every foot the building exceeds 15 feet. Therefore the side yard setback at the garage opening is 19.75 feet, and 15.75 for the remainder of the home.

The applicant narrative indicates a building coverage Variance from 25% to 28%, however, the patios were not taken into account. City Code requires patios to be included in the building coverage calculation, with a 200 square foot credit. The patios total 722 square feet, therefore, 522 square feet must be added to the building coverage. The building coverage with the 522 square feet added is 34%.

SUPPORTING INFORMATION

Surrounding Land Uses

- Northerly: A single family home; zoned R-1 Single-Dwelling Unit District and guided Low Density Attached Residential.
- Easterly: Apartment building; zoned PRD-4, Planned Residential District and guided High Density Residential.
- Southerly: Vacant property (formerly Edina Realty); zoned PCD-2, Planned Commercial District and Guided Mixed Use, MXC.
- Westerly: A single story double dwelling unit; zoned R-2 Double-Dwelling Unit District and guided Low Density Attached Residential.

Existing Site Features

The subject property is 8,816 square feet in size, and contains a two-story single family home. The site is elevated above the two-family dwelling to the west. (See pages A3 and A29.)

Planning

- Guide Plan designation: Low Density Attached Residential
- Zoning: R-2, Double-Dwelling District

Grading/Drainage/Utilities

The city engineer has reviewed the proposed plans, and identified several concerns. (See memo on page A41.) Should the City Council approve the proposed project, the applicant would be required to address these concerns with revised plans as part of the Final Rezoning application.

Proposed Floor Plans

The plans show a lower level studio within each unit that could easily be designed as additional units within the structure. These two “studios” are separated from the rest of the living units. To access the upper units from these lower studios, a person would have to walk outside or through the garage. (See page A15.) Should the applications be approved, a condition should be added that these not become separate dwelling units.

Compliance Table

	City Standard (R-2)	Proposed
Building Setbacks		
Front	34.5 feet	30 feet*
Side	15.75 feet	10 feet*
Side	19.5 feet	10 feet*
Rear	35 feet	37 feet
Retaining Wall Setback	3 feet	0 feet*
Lot Width	90 feet	65 feet*
Lot Area	15,000 square feet	8,816 square feet*
Building Height	30 feet	28 feet
Building Coverage	25%	34% *

***Variance Required**

PRIMARY ISSUES/STAFF RECOMMENDATION

Primary Issues

- **Is the proposed Rezoning from R-1 to R-2 is reasonable for this site?**

Yes. Staff believes the proposed Rezoning is reasonable for the following reasons:

1. The proposed use would fit in to the neighborhood. This neighborhood consists of both single-family and two-family dwellings. (See pages A4 and A22-A32.) Two dwelling units are the predominant uses on this block.
2. The proposed use is consistent with the Comprehensive Plan. The site is guided for Low Density Attached Residential. The proposed duplex would fit that category. Duplexes serve as a transitional land use area between the

commercial properties to the south and the single-family residential area to the north.

- **Are the proposed Variances reasonable for this site?**

No. Staff believes that the proposed Variances are not reasonable for the site for the following reasons:

1. The combination of all of the requested variances would result in a structure that is too large for this small parcel.
2. The applicant has not adequately addressed the concerns raised by the Planning Commission and the City Council during the sketch plan review of this request. Concern was raised in regard to the home fitting into the neighborhood. The Council stated that the height and lot coverage of the structure should be reduced. The proposed home is the same as was proposed in the sketch plan; while driveways and sidewalks have been eliminated, the mass, scale and architecture of the home remains the same, including the foot print.

Concern was also raised in regard to the retaining walls and safety. With the elimination of one of the driveways, part of the retaining wall issue is addressed; however, there still is a retaining wall that would exceed four feet in height that would be right on the existing lot line. The previously stated safety concerns would remain for the adjacent property to the west, as there would be a five-foot drop from that side lot line at the end of the driveway. (See page A14.)

3. The variance criteria are not met. Per state law and the Edina 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 not meet 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?*

No. 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 caused by the small size of the subject property. As demonstrated on page A4, the lot is the smallest lot on the south side of 49th Street. It is similar in size to the lots across the street, which contains single-family homes. However, the proposed home on this small lot would be too large for the site. The size of the proposed structure creates the need for a lot coverage variance, front yard and side yard setback variances, and requires retaining walls to be built on the existing lot line which also requires a variance.

The city has traditionally not granted variances for building lot coverage, and has not granted any variances for the newly required setback for retaining walls. Therefore, staff believes the proposed home is not reasonable for the size of this small lot.

The building coverage for the existing single family home and detached garage in the rear yard is 12%. The proposed structure would more than double the building coverage for the lot, and far exceed the city code requirement.

Reasonable use exists on the property with the existing single family home.

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

The circumstance of the undersized lot is not unique to this neighborhood. There are several undersized R-1 and R-2 lots on this block. (See page A3-A4.)

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

Yes. The proposed structure is too large for this lot. No setback or lot coverage variances have been granted on any of the lots on this block, on which new duplexes have been built. Seven variances in total would be required to allow this structure to be built on this lot.

Staff Recommendation

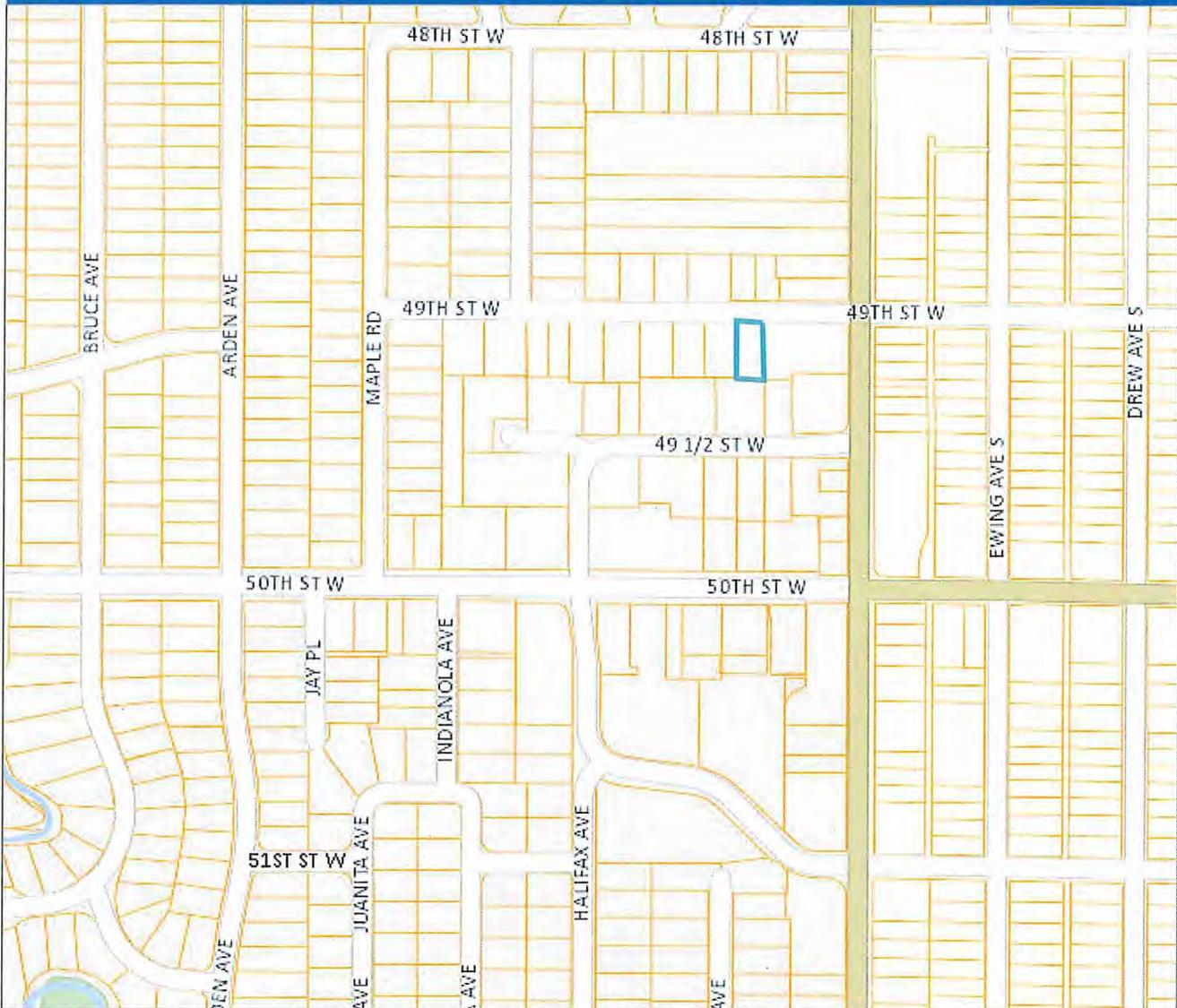
Recommend that the City Council deny the proposed Rezoning and Variances at 3923 49th Street. Denial is based on the following findings:

1. The variance criteria are not met.
2. There are no practical difficulties in complying with the zoning ordinance. The property owner does not propose to use the property in a reasonable manner

prohibited by the zoning ordinance. It is not reasonable to deviate from the ordinance requirements when there is nothing unique about the property that justifies the variances. The need for variances is caused by the applicants desire to build such a large two-family dwelling on the site.

3. Reasonable use of the property exists with the two-story single family currently located on the property.
4. The size of the proposed structure creates the need for the lot coverage variance, the front and side yard setback variances, and the retaining wall setback variance.
5. The City has traditionally not granted variances for building lot coverage when tearing down a home and building a new one.
6. The City has not granted any variances for the newly required setback for retaining walls.
7. Proposed building coverage would be nearly triple the building coverage that exists today with the single family home.

Deadline for a city decision: July 1, 2014



Parcel ID: 18-028-24-14-0027

Owner Name: Baker Bean Llc

Parcel Address: 3923 49Th St W
Edina, MN 55424

Property Type: Residential

Home-stead:

Parcel Area: 0.21 acres
9,086 sq ft

A-T-B:

Market Total:

Tax Total:

Sale Price:

Sale Date:

Sale Code:

Map Scale: 1" ≈ 400 ft.
Print Date: 1/14/2014

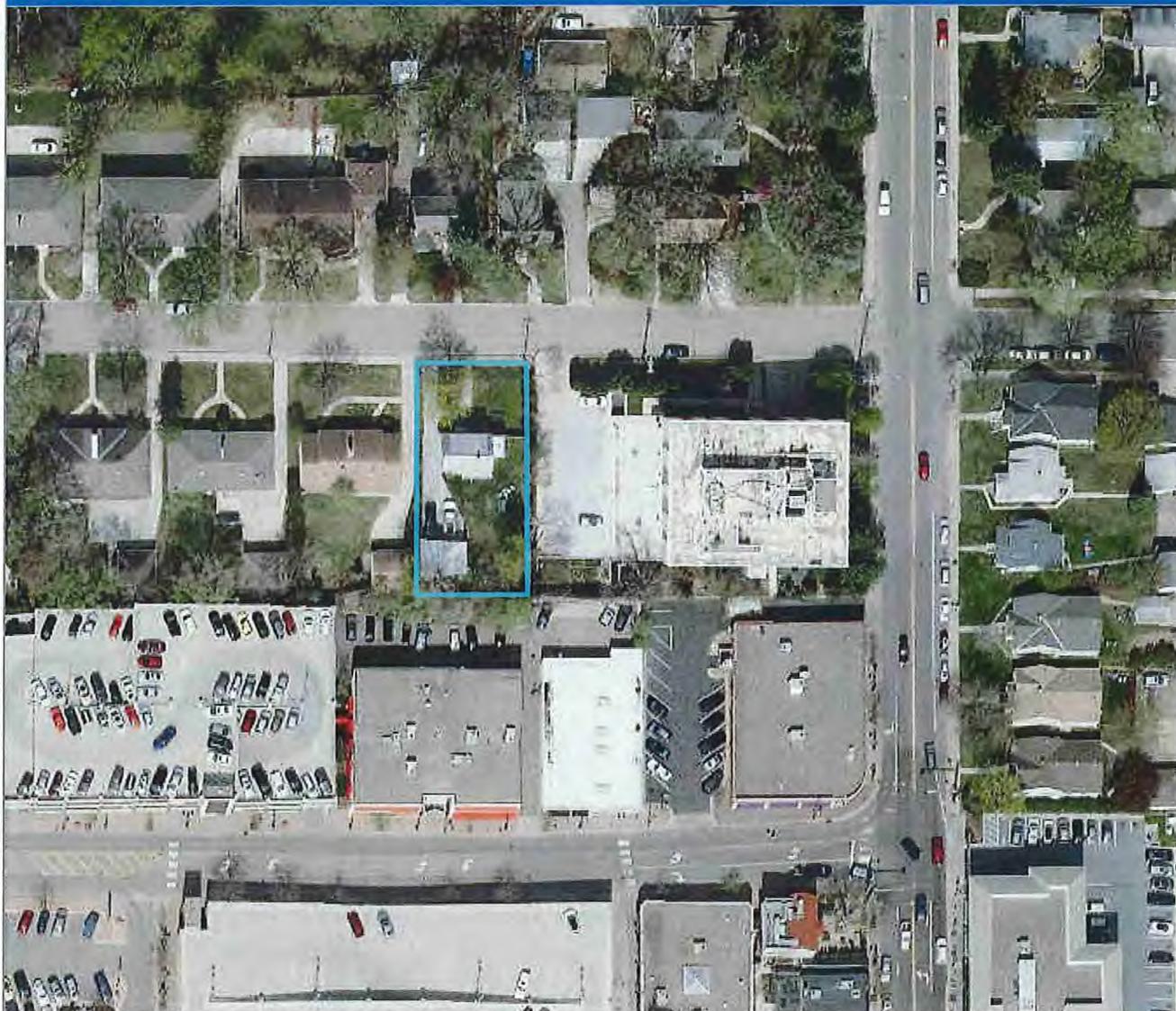


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AI



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Owner Name:

Parcel Address: 3923 49Th St W
Edina, MN 55424

Property Type: Residential

**Home-
stead:**

Parcel Area: 0.21 acres
9,086 sq ft

A-T-B:

Market Total:

Tax Total:

Sale Price:

Sale Date:

Sale Code:

Map Scale: 1" ≈ 100 ft.

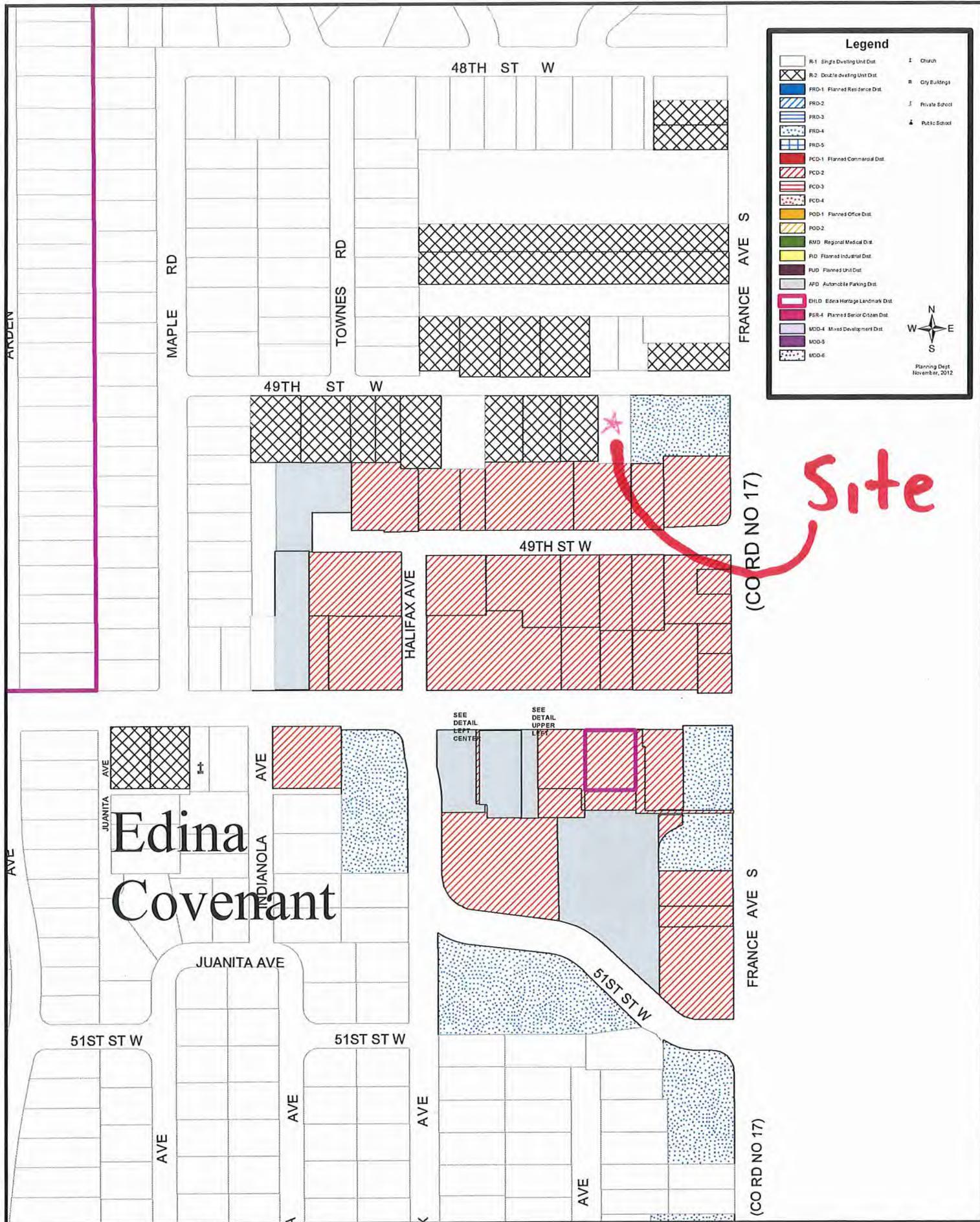
Print Date: 1/14/2014



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Legend

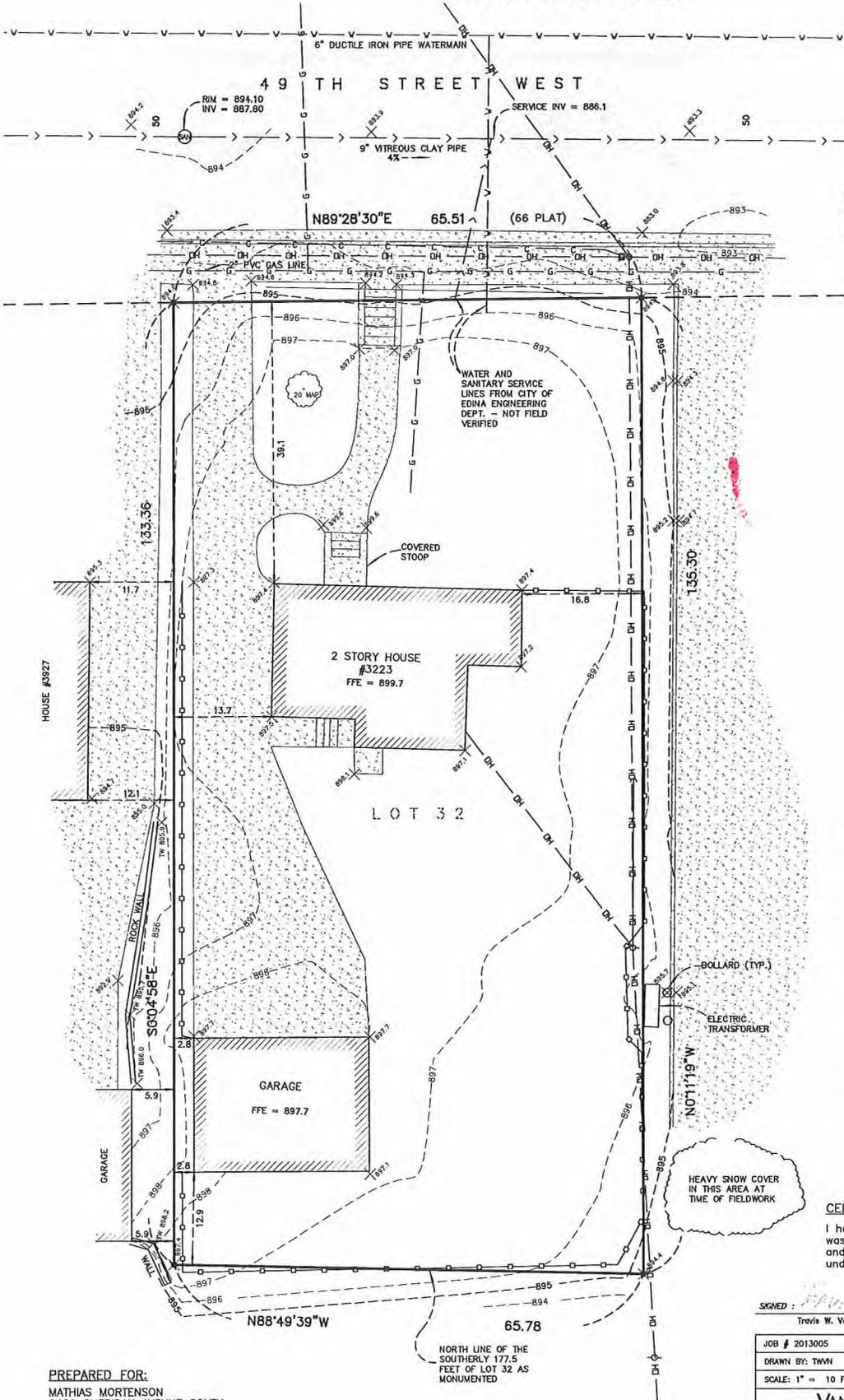
[Symbol]	R-1 Single Dwelling Unit Dist.	[Symbol]	Church
[Symbol]	R-2 Double Dwelling Unit Dist.	[Symbol]	City Buildings
[Symbol]	FRD-1 Planned Residence Dist.	[Symbol]	Private School
[Symbol]	FRD-2	[Symbol]	Public School
[Symbol]	FRD-3		
[Symbol]	FRD-4		
[Symbol]	FRD-5		
[Symbol]	PCD-1 Planned Commercial Dist.		
[Symbol]	PCD-2		
[Symbol]	PCD-3		
[Symbol]	PCD-4		
[Symbol]	POD-1 Planned Office Dist.		
[Symbol]	POD-2		
[Symbol]	RMD Regional Medical Dist.		
[Symbol]	PID Planned Industrial Dist.		
[Symbol]	PUD Planned Unit Dist.		
[Symbol]	AFD Automobile Parking Dist.		
[Symbol]	EHLD Edina Heritage Landmark Dist.		
[Symbol]	FSR-4 Planned Senior Citizen Dist.		
[Symbol]	MDD-4 Mixed Development Dist.		
[Symbol]	MDD-5		
[Symbol]	MDD-6		

50th & France Zoning Map
City of Edina
Hennepin County, Minnesota



A4

CERTIFICATE OF SURVEY



LEGAL DESCRIPTION:

THAT PART OF LOT 32, AUDITOR'S SUBDIVISION NO. 172, HENNEPIN COUNTY, MINNESOTA LYING NORTH OF THE SOUTHERLY 177.5 FEET THEREOF.

LEGEND:

- FOUND IRON MONUMENT (AS NOTED)
- POWER POLE (WITH GUY ANCHOR)
- COMMUNICATIONS PEDIESTAL
- SANITARY SEWER MANHOLE
- DECIDUOUS TREE (SIZE IN INCHES)
- OVERHEAD UTILITY LINE
- WATERMAIN
- SANITARY SEWER LINE
- NATURAL GAS LINE
- UNDERGROUND COMMUNICATION LINE
- WOOD FENCE
- CONCRETE SURFACE
- BITUMINOUS SURFACE

NOTES:

- 1) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE INSURANCE COMMITMENT.
- 2) ADDRESS OF THE SUBJECT PROPERTY: 3923 49TH STREET WEST, EDNA, MN 55410
P.I.D.: 18-028-24-14-0027
- 3) PARCEL AREA: 8,816 SQ. FT.
- 4) BEARING BASIS IS ASSUMED.
- 5) DATE OF FIELDWORK: 2-11-2013
- 6) BENCHMARK: TOP NUT HYDRANT AT SW CORNER OF FRANCE AVE AND 49TH STREET WEST. ELEVATION = 887.72 (NGVD)

HARDCOVER CALCULATIONS:

HOUSE: 642 SQ. FT.
GARAGE: 456 SQ. FT.
CONCRETE: 1,704 SQ. FT.

TOTAL HARDCOVER: 2,802 SQ. FT OR 31.8%

CERTIFICATION :

I hereby certify that this survey, plan, 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.

SIGNED: *Trevi W. Van Neste*
Trevi W. Van Neste, Minnesota Professional Surveyor #11109
Michigan Professional Surveyor #16695

JOB # 2013005	ISSUED: 2-21-2013
DRAWN BY: TWM	REV:
SCALE: 1" = 10 FEET	

VAN NESTE SURVEYING
PROFESSIONAL SURVEYING SERVICES
85 WILDHURST ROAD EXCELSIOR, MN 55331
PHONE (952) 686-3055 TOLL-FREE FAX (866) 473-0120
WWW.VANNESTESURVEYING.COM

PREPARED FOR:
MATHIAS MORTENSON
2429 SHERIDAN AVENUE SOUTH
MINNEAPOLIS, MN 55405

NORTH LINE OF THE SOUTHERLY 177.5 FEET OF LOT 32 AS MONUMENTED

A5

PROJECT INTRODUCTION

The proposed project is a new 2-story double dwelling unit on 49th Street. The location is one block north of 50th and France on a street that predominantly consists of double dwelling units. The lot is currently zoned R-1, thus requiring a re-zoning to R-2.

ACCESSIBILITY

The owner is seeking to provide a housing type largely absent from the city's housing stock, one that accommodates the particular needs of an aging population. Although, the owner is driven by an interest in homesteading in one of the units, the design also coincides perfectly with the city's own interests. According to the Comprehensive Plan "The challenge for the city is to adapt itself as a lifecycle community to conform to the needs of a changing population" (p.40), and that change is principally happening to the +65 demographic where growth is expected to exceed 100% by 2030 (CP, p. 24). The proposed development would address exactly this challenge through a number of means:

1. All necessities (kitchen, bath, laundry, etc.) would be provided for on a single level
2. An elevator would connect the below grade parking to the upper two floors
3. The main bathroom would include ADA accessible fixtures
4. ADA turning radii and clearances provided where necessary
5. A basement studio that could serve as living quarters for in-home care.

SUSTAINABILITY

The project aims to achieve the highest standard of sustainability. It will incorporate rooftop solar panels that are expected to supply the entire electrical needs for both units. The building will also employ advanced framing techniques to achieve a 25% reduction in lumber consumption and 5% increase in energy efficiency. Other more conventional sustainability measures will include high efficiency glazing, permeable pavers, materials with recycled content and low-flow fixtures, among others.

RESPONSE TO PRELIMINARY ZONING REVIEW

Below is a list of the most important concerns as expressed by both the Planning Commission and the City Council.

PARKING LAYOUT

CONCERN: The original design proposed two drives on either side of the lot accessing an underground garage. This raised two concerns:

1. It presented an excessive amount of driveway, asphalt and retaining wall to the street, rendering it distinctly uncharacteristic of the neighborhood
2. It created an 'island' effect that isolated the stretch of yard between the two drives from the fabric of front yards of adjoining residential properties

RESPONSE: The East drive has been completely eliminated. This makes the proposed driveway consistent with other double dwelling units on the block. It also allows for more greenspace in the front yard and creates greater continuity with similar nearby front yards. Additionally, it resolves another concern that the stretch of curb between the two originally proposed drives would be too small to accommodate street parking. This is no longer the case.



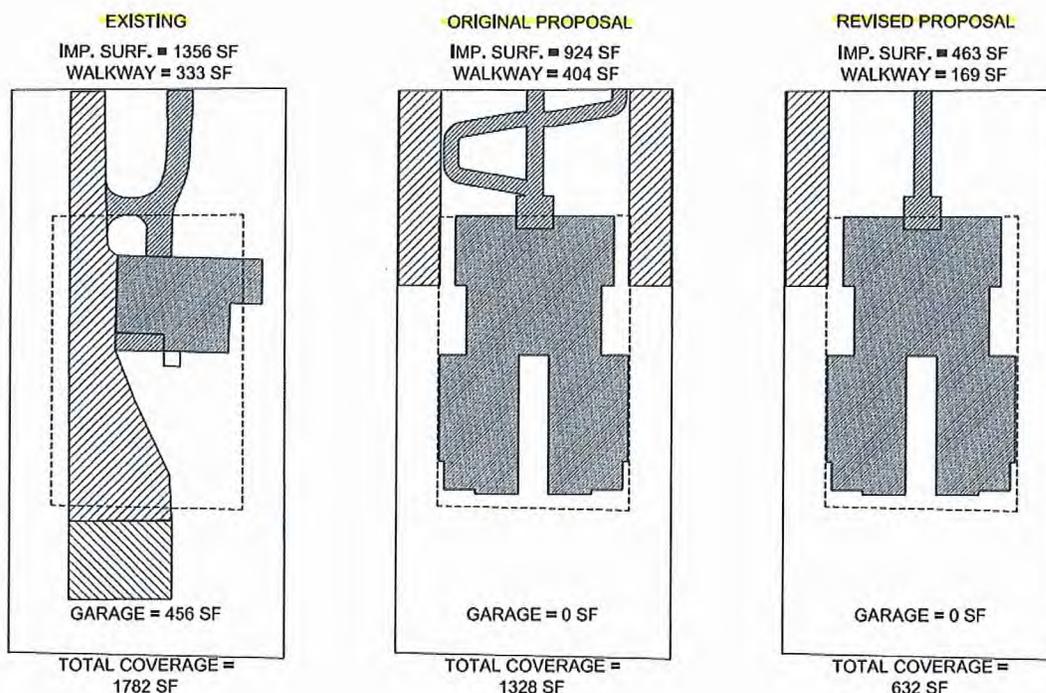
IMPERVIOUS SURFACE + STORMWATER RUNOFF

CONCERN: The original design proposed an ADA accessible ramp to the front entry and a two-driveway parking layout that raised concerns regarding:

1. Amount of runoff directed to the city storm system, and
2. The amount of land dedicated to hardscape rather than landscape

RESPONSE: Three things have been done to address the concern regarding impervious surface

1. Patio depths were reduced by two feet
2. The ADA ramp and one drive were eliminated, resulting in considerable reductions in impervious surface as illustrated by the below study:



This reduction is in addition to other tools used to reduce hardscape and runoff: permeable pavers used at patios and a rear-yard raingarden to collect runoff from the roof.

RETAINING WALLS

CONCERN: The retaining walls related to the below-grade drives generated the following concerns:

1. A wall that appeared overly high and/or stark from the street
2. The need for providing a guard rail for safety on one side
3. A sense that it effectively increased the perceived height of the building

RESPONSE: Because one of the below grade drives was eliminated, the concern regarding the visual impact of the associated retaining walls has been partially alleviated. Additionally, the retaining walls for the remaining drive have been improved:

1. A stepped or canted wall for one side of the drive and – see 2/A4.01 and A4.05
2. An ivy wall is proposed to cover the rear (or southernmost) wall – see A4.05.
3. The exposed retaining walls will be stained concrete so as to provide a warmer, more appealing aesthetic
4. A strip of plantings along the length of the inner retaining wall will prevent any access to the wall edge – see A4.03 and A4.05

SITE COVERAGE + BUILDING INTENSITY

CONCERN: The amount of site coverage was viewed as problematic based largely on two concerns:

1. It represents a higher intensity than is typical for the neighborhood, and

2. It reduces the amount of useable exterior greenspace.

RESPONSE: We believe that our site is unusual in a number of regards and that the proposed coverage does not represent an unduly intense amount (see related Zoning Narrative). Despite that, our intent is not to maximize the site. Instead, we have been focused on creating a sustainable and age-friendly building. Currently, the proposed building footprint is 2,490 SF, or 28.2% of the site. Because it was unclear how the zoning and variance process would culminate, the design proceeded according to two premises:

1. That the footprint would be no more than necessary in order to accommodate all basic functions on the first floor. Currently the first floor layout is as efficient as it can be while still providing the single-level liveability essential to an age-in-place dwelling (see Project Introduction), and
2. That the footprint not exceed the average allowable coverage for similar R-2 lots on the block. The average size of the eight smallest lots on the block is 10,600 SF, amounting to an allowable coverage of 2,650 SF, falling well above the proposed footprint.

We consider this to be a reasonable approach that helps fill an underserved housing need without negatively impacting the neighborhood. We have taken a number of measures to address the second of the two concerns, increasing the total amount of greenspace as much as possible (see above responses).

ZONING NARRATIVE: The proposed development seeks rezoning from R-1 to R-2

• **Is consistent with the Comprehensive Plan**

The City of Edina, per its Comprehensive Plan, regards this type of use to be both reasonable and favorable. It specifically encourages it in a variety of ways, promoting a building that:

1. Is consistent with the character of the district:
 - The block is considered a 'Traditional Neighborhood' where the 'relatively smaller lots' have not historically prohibited use as double-dwellings (CP, ch. 4, 4-9)
 - The project would continue the pattern of 'integration of multi-unit housing at the edge of a commercial district' (CP, ch. 4, 4-27 + 4-43)
2. Serves as a transitional use between 50th and France and single-family zones:
 - Duplexes have historically served "as a kind of buffer or transition to the adjacent single-family housing." (CP, ch. 4, 4-43)
 - "...Historical role...as transitional districts between single-family residential areas and major thoroughfares or commercial districts." (CP, ch. 4, 4-27)
3. Supports plans for future growth:
 - The property is included in an LDAR district (CP, see 4-27 + Fig. 4.6A)
4. Provide appropriate and desired level of density:
 - "As Edina plans for current and future residents, it should focus on....developing transition strategies to **increase density** and encourage infill development" (CP, ch. 3, 3.2)

• **Will not be detrimental to properties surrounding the tract**

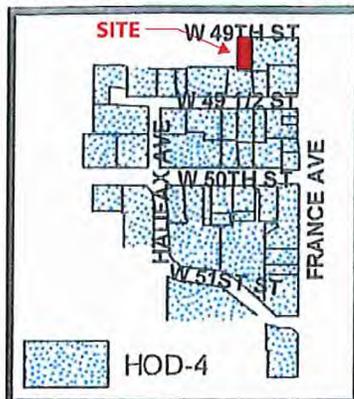
The property adheres to all setbacks and height restrictions and otherwise maintains or improves upon existing conditions as they relate to shading, drainage, landscaping, etc. Increased occupant parking needs related to the double dwelling are provided for on-site, below grade.

• **Will not result in an overly-intensive land use**

Currently, the proposed building footprint is 2,490 SF, or 28.2% of the site. This is in excess of the currently allowable 2,204 SF, or 25% (See Variance Narrative for related request). This does not, however, constitute an overly intensive land use for the following reasons:

1. Our lot is in the shadows of the high-intensity area of 50th & France's planned commercial district, where there are no lot coverage or setback restrictions.
2. Our lot is bordered on two of its three edges by properties that belong to a Height Overlay District (HOD-4) where heights are allowed to be as

great as 48 feet. A preliminary review of the HOD map reveals that there are approximately only seven other lots in the entire city for which this may be true. Our property is therefore unusual and distinct from others on the block.



3. The city has recently purchased the property directly to the south and is considering an expansion of the nearby parking ramp. Because this property is also part of HOD-4, the expansion could alter the character of our property, thus constituting an undue hardship. The intensity of the proposed use will be minimal in comparison to the highly intensive use of it's neighbor.

Although the proposed structure will result in an elevated coverage of the undersized lot, for the reasons listed above we do not think it constitutes an overly intensive use. The property is too unique to apply

- **Will not result in undue traffic congestion or traffic hazards**
 - a. The property is on a side street with low traffic levels.
- **Conforms to the provisions of this Section and other applicable provisions of this Code**
 - a. The property adheres to all setbacks and height restrictions. Variances are sought for non-conforming conditions triggered by the re-zoning (see variance application)
- **Provides a proper relationship between the proposed improvements, existing structures, open space and natural features.**
 - a. The proposed structure will be lower and smaller than the structures to the south and east. It is comparable in scale and mass to similar recent developments on the street at 4001 and 3924/3930 as well as to the double dwelling directly across the street at 3900 (see pictures)

VARIANCE NARRATIVE: The proposed development seeks variances for three non-conforming conditions triggered by the re-zoning: lot width, lot area, and lot coverage.

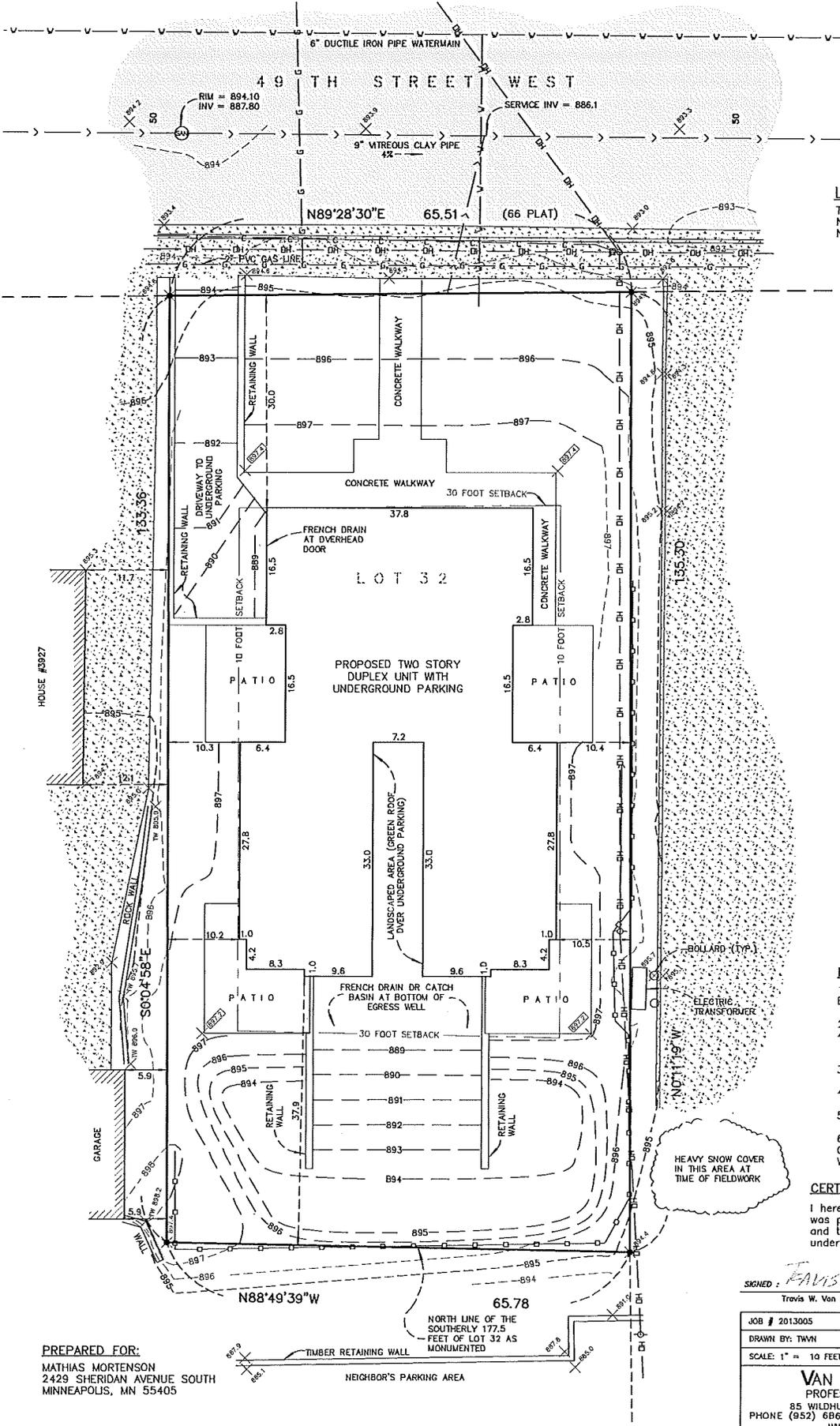
1. Minimum Lot Width – current = 65.5'; required = 90'
2. Minimum Lot Area – current = 8,816 SF; required = 15,000 SF
3. Maximum Building Coverage – current = 28.2%; required = 25%

A fourth variance is sought for a short retaining wall that enables a below-grade drive and underground parking.

- **Relieve practical difficulties in complying with the zoning ordinance that the use is reasonable**
 1. **The property in question cannot be put to a reasonable use as allowed by the ordinance:** The most reasonable use for the property in question is as a double dwelling unit.
 - The predominant use of properties in the neighborhood are as double dwellings. The lot at 3923 is one of only four lots fronting the street that are zoned R-1. The remaining eleven lots are zoned R-2, constituting almost three-quarters of the block. Additionally, one corner lot at France Ave. serves as a twelfth R-2 lot, while the other corner lot is zoned PRD-4 and hosts a four-story, x-unit apartment building. Thus, the block is substantially comprised of properties that support higher densities than a single-family dwelling unit.
 2. **The plight of the petitioner is due to circumstances unique to his/her property which were not created by the petitioner:**
 - The 3923 property is unique as one of the few remaining single-family lots in the neighborhood. And although it would technically be non-conforming as an R-2 property (it would not meet the minimum lot width or the minimum lot area requirements and the maximum building coverage), it would not be unique as a non-conforming R-2 parcel. All the existing double dwelling units on the block are also non-conforming in one way or another. Of the 11 R-2 lots, all have areas less than the required 15,000 SF, and six have lot widths less than 90 feet.
 - If the new structure were to adhere to the 25% restriction it would result in the smallest double dwelling unit in the area. We petition that the allowable building coverage for this property be increased to an amount equivalent to other double dwelling units on the block to both eliminate this odd disparity and to allow for a reasonably sized double dwelling unit.
 3. **The variances, if granted, will not alter the essential character of the property or its surroundings.:** The property will still consist of a two-story gabled-structure with massing and architecture similar to both the existing house and to neighboring double dwelling units. Additionally, it will adhere to the guidelines stipulated in the Comprehensive Plan for Low Density Design, ch. 4, 4-42 to 4-46.
- **Correct extraordinary circumstances applicable to this property but not applicable to other property in the vicinity or zoning district**

1. There are two properties in the area that are zoned R-1 but would be similarly non-conforming were they to be re-zoned R-2. These two properties are directly across the street from 3923 (Addresses 3922 and 3918). However, these two properties are fundamentally different than 3923:
 - Whereas 3923 is surrounded by one high density apartment building, two commercial properties, and one double dwelling unit, these two properties are adjacent to other single-family lots and to a wetlands to the rear.
 - These lots are considerably smaller than 3923, calculated at approximately 2/3 the area. Given setback requirements, the buildable area of the lot would be prohibitively small for double dwelling use, resulting in individual units of widths that would fall below the required 18'.
 - Because they are on the opposite side of the street, they could not claim they act as a transitional buffer from the commercial district.
- **Be in harmony with the general purposes and intent of the zoning ordinance.**
 1. The City of Edina, per its Comprehensive Plan, regards this type of use to be both reasonable and favorable.
- **Not alter the essential Character of a neighborhood.**
 1. All setback and height requirements will be maintained. See 1.c. above. The basic site plan is similar to most other double dwellings on the street in that there is a single structure with a cohesive façade and a single drive accessing parking that is shielded from view.

PRELIMINARY PROPOSED GRADING PLAN



LEGAL DESCRIPTION:
 THAT PART OF LOT 32, AUDITOR'S SUBDIVISION NO. 172, HENNEPIN COUNTY, MINNESOTA LYING NORTH OF THE SOUTHERLY 177.5 FEET THEREOF.

- LEGEND:**
- FOUND IRON MONUMENT (AS NOTED)
 - ⊕ POWER POLE (WITH GUY ANCHOR)
 - COMMUNICATIONS PEDESTAL
 - ⊗ SANITARY SEWER MANHOLE
 - DECIDUOUS TREE (SIZE IN INCHES)
 - DH — OVERHEAD UTILITY LINE
 - W — WATERMAIN
 - S — SANITARY SEWER LINE
 - G — NATURAL GAS LINE
 - C — UNDERGROUND COMMUNICATION LINE
 - W — WOOD FENCE
 - ▨ EXISTING BITUMINOUS SURFACE
 - ▩ EXISTING CONCRETE SURFACE
 - ⊕ PROPOSED SPOT ELEVATION
 - ⊗ EXISTING SPOT ELEVATION
 - EXISTING CONTOUR LINE
 - - - PROPOSED CONTOUR LINE

- NOTES:**
- 1) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE INSURANCE COMMITMENT.
 - 2) ADDRESS OF THE SUBJECT PROPERTY: 3923 49TH STREET WEST, EDNA, MN 55410 P.I.D.: 18-028-24-14-0027
 - 3) PARCEL AREA: 8,816 SQ. FT.
 - 4) BEARING BASIS IS ASSUMED.
 - 5) DATE OF FIELDWORK: 2-11-2013
 - 6) BENCHMARK: TOP NUT HYDRANT AT SW CORNER OF FRANCE AVE AND 49TH STREET WEST. ELEVATION = 887.72 (NGVD)

CERTIFICATION:
 I hereby certify that this survey, plan, 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.

SIGNED: *Travis W. Van Neste*
 Travis W. Van Neste, Minnesota Professional Surveyor #44109
 Michigan Professional Surveyor #16685

JOB # 2013005	ISSUED: 2-28-2014
DRAWN BY: TWN	REV:
SCALE: 1" = 10 FEET	

VAN NESTE SURVEYING
 PROFESSIONAL SURVEYING SERVICES
 85 WILDHURST ROAD EXCELSIOR, MN 55331
 PHONE (952) 686-3055 TOLL-FREE FAX (866) 473-0120
 WWW.VANNESTESURVEYING.COM

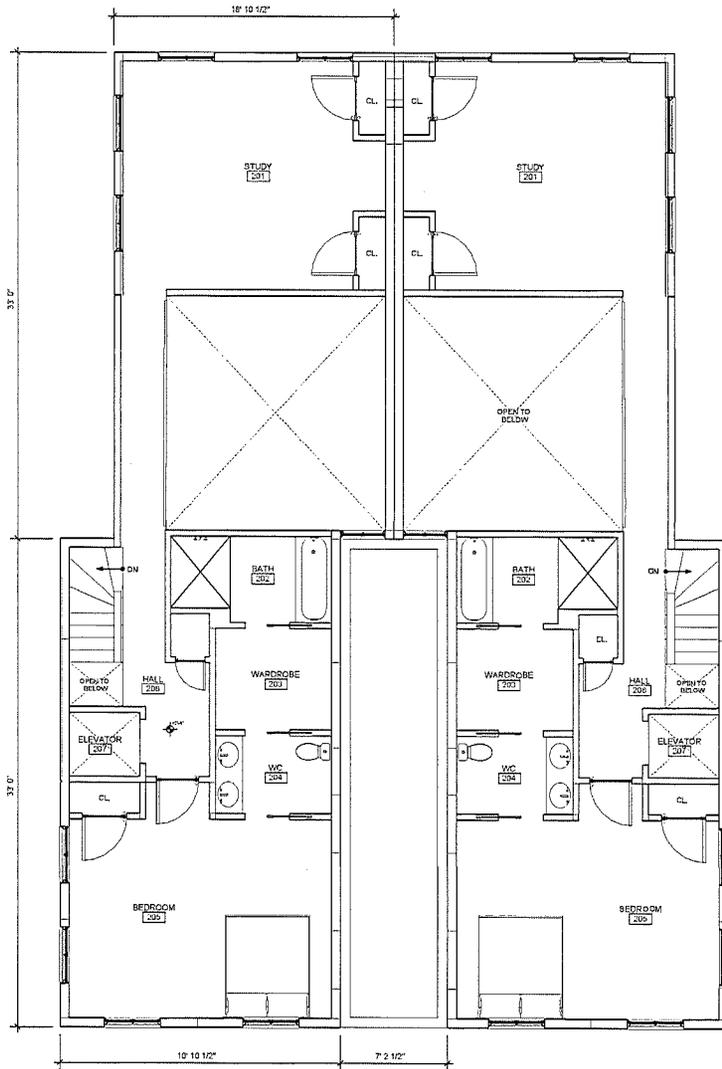
SHEET 1 OF 1

PREPARED FOR:
 MATHIAS MORTENSON
 2429 SHERIDAN AVENUE SOUTH
 MINNEAPOLIS, MN 55405

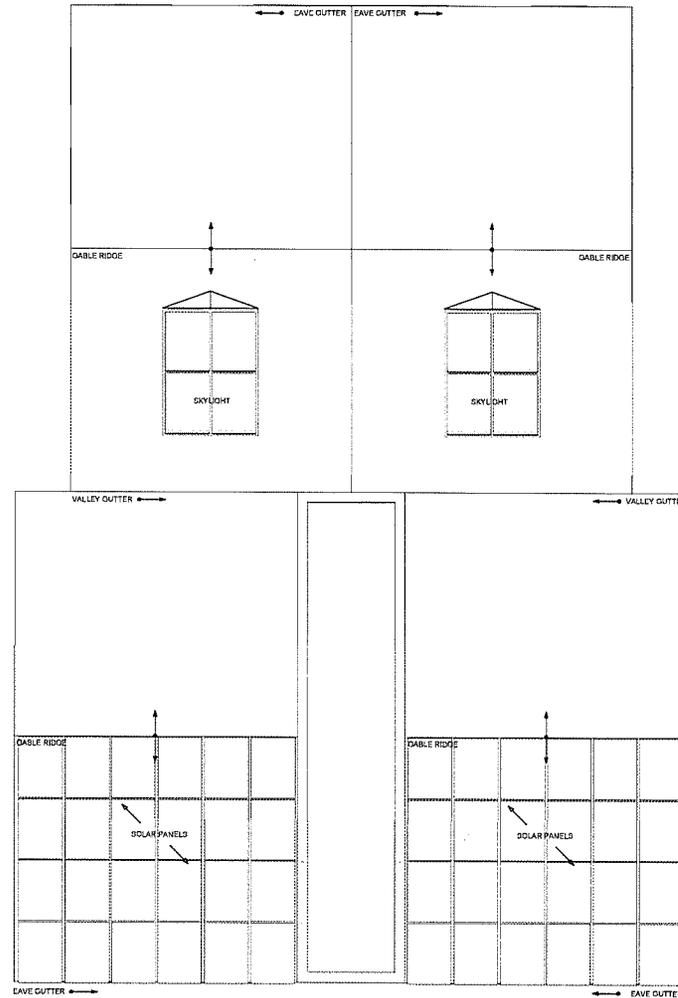
NEIGHBOR'S PARKING AREA

A14

11/16



1 FLOOR PLAN - LEVEL 2
1/2\"/>



2 ROOF PLAN - LEVEL 3
1/2\"/>

DOUBLE DWELLING
3923 49th STREET
EDINA, MN

ARCHITECT:
MATHIAS MORTENSON
2429 SHERIDAN AVE.
MINNEAPOLIS MN 55405
612-655-3745

CONTRACTOR:

DRAWN BY
MHM

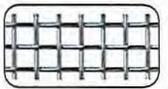
ISSUE
14.02.28 RE-ZONING
XXXXXXXX

KEY PLAN

FLOOR PLANS
LEVEL 2
LEVEL 3

A2.02

A17



M-1 LARGE OPENING LOCK CRIMP GALVANIZED WOVEN WIRE MESH WITH 1.8" OPENINGS, BY BANKER WIRE OR APPROVED EQUAL.



ST-1 BOTTICINO MARBLE SILL AND TRIM, HONED FINISH



S-1 STUCCO WITH FINE SAND FINISH, BY MATERIALS WORLD OR APPROVED EQUAL; COLOR: HARVEST GOLD, LIGHT



WD-1 VERTICAL CEDAR SIDING; COLOR: MISSION BROWN

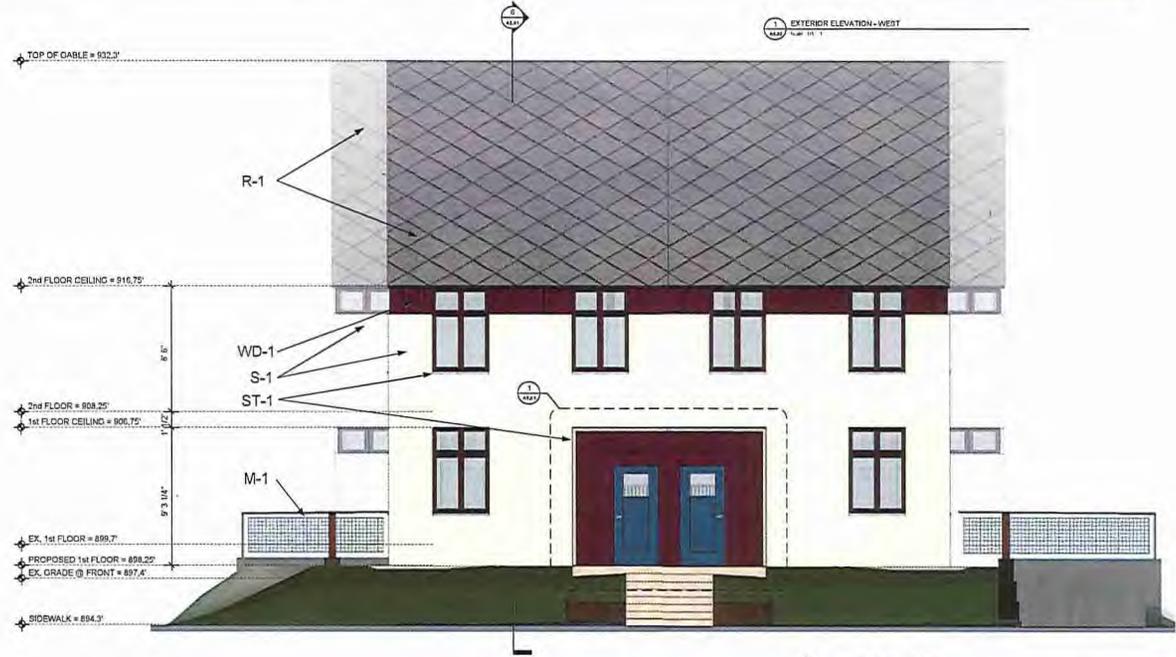


R-1 THREE-TAB ASPHALT SHINGLE; COLOR: ONYX



SP-1 SUNMODULE SOLAR PANEL, SW 250 MONO OR APPROVED EQUAL

1 MATERIAL LEGEND



1 EXTERIOR ELEVATION - WEST

2 EXTERIOR ELEVATION - NORTH

DOUBLE DWELLING
3923 49th STREET
EDINA, MN

ARCHITECT:
MATHIAS MORTENSON
2429 SHERIDAN AVE.
MINNEAPOLIS MN 55405
612-655-3745

CONTRACTOR:

DRAWN BY
MHM

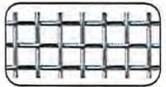
ISSUE
14.02.28 RE-ZONING
XX.XX.XX

KEY PLAN

ELEVATIONS
NORTH, SOUTH,
EAST + WEST

A4.01

AKG



M-1 LARGE OPENING LOCK CRIMP GALVANIZED WOVEN WIRE MESH WITH 1.8" OPENINGS, BY BANKER WIRE OR APPROVED EQUAL.



ST-1 BOTTICING AND TRIM, HONED FINISH



S-1 STUCCO WITH FINE SAND FINISH, BY MATERIALS WORLD OR APPROVED EQUAL, COLOR: HARVEST GOLD, LIGHT



WD-1 VERTICAL CEDAR SIDING, COLOR: MISSION BROWN



R-1 THREE-TAB ASPHALT SHINGLE, COLOR: ONYX



SP-1 SUNMODULE SOLAR PANEL, SW 250 MONO OR APPROVED EQUAL

MATERIAL LEGEND



1 EXTERIOR ELEVATION - WEST



2 EXTERIOR ELEVATION - SOUTH

DOUBLE DWELLING
3923 49th STREET
EDINA, MN

ARCHITECT:
MATTHIAS MORTENSON
2429 SHERIDAN AVE.
MINNEAPOLIS MN 55405
612-655-3745

CONTRACTOR:

DRAWN BY
M-H-M

ISSUE
14.02.28 RE-ZONING
XX.XX.XX

KEY PLAN

ELEVATIONS
NORTH, SOUTH,
EAST + WEST

A4.02



A19

EXTERIOR RENDERING - LOOKING SOUTHEAST

DOUBLE DWELLING
3923 49th STREET
EDINA, MN

ARCHITECT:
MATHIAS MORTENSON
2429 SHERIDAN AVE.
MINNEAPOLIS MN 55405
612-655-3745

CONTRACTOR:

DRAWN BY
MHM

ISSUE
14.02.28 RE-ZONING
XX.XX.XX

KEY PLAN

EXT. RENDERING
500/510 200/115/50

A4.04



DOUBLE DWELLING
 3923 49th STREET
 EDINA, MN

ARCHITECT:
 MATHIAS MORTENSON
 2429 SHERIDAN AVE.
 MINNEAPOLIS MN 55405
 612-655-3745

CONTRACTOR:

DRAWN BY
 MHM

ISSUE
 14.02.28 RE-ZONING
 XX.XX.XX

KEY PLAN

EXT. RENDERING
 FOR THE ARCHITECT

A4.05

120



DOUBLE DWELLING
 3923 49th STREET
 EDINA, MN

ARCHITECT:
 MATHIAS MORTENSON
 2429 SHERIDAN AVE.
 MINNEAPOLIS MN 55405
 612-655-3745

CONTRACTOR:

DRAWN BY
 MHM

ISSUE
 14.02.28 RE-ZONING
 XX.XX.XX

KEY PLAN

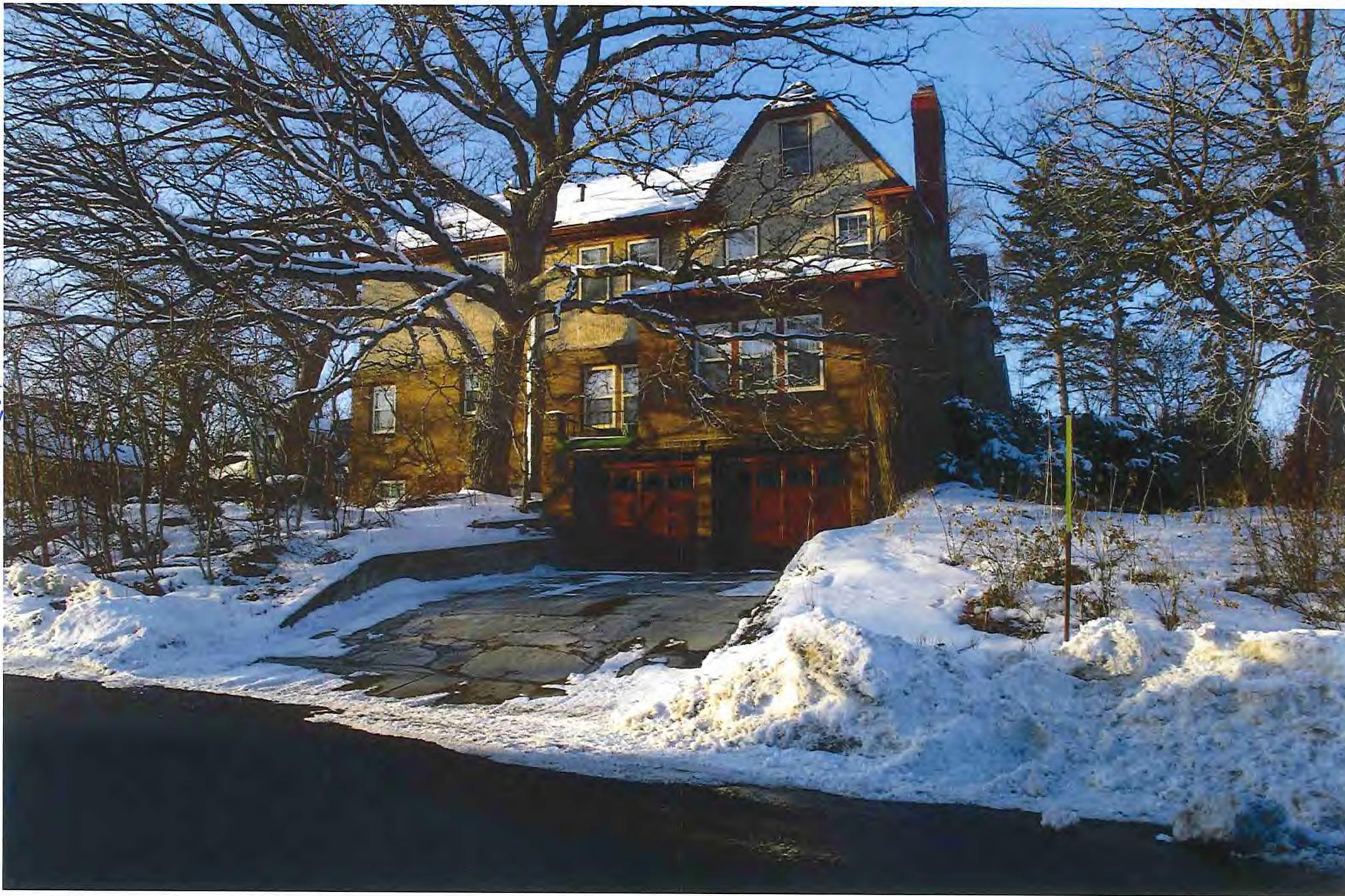
EXT. RENDERING
 LOOKING SOUTHWEST

A4.03

A21

3923 49th Street
Edina, MN

3900 49th Street



A22

3923 49th Street
Edina, MN

3949 49th Street



125

3923 49th Street
Edina, MN

White Oaks Apartment



3923 49th Street
Edina, MN

4001 49th Street



3923 49th Street
Edina, MN

3925 49th Street



426

3923 49th Street
Edina, MN

3937 49th Street



A37

3923 49th Street
Edina, MN

3900 49th Street



As

3923 49th Street
Edina, MN

3923 49th Street



7324

3923 49th Street
Edina, MN

3900 49th Street



3923 49th Street
Edina, MN

3908 49th Street



A31

New Development across street



132

P.O.
1/22

B. Sketch Plan Review – 3923 West 49th Street, Edina, MN

Planner Teague informed the Commission they are asked to consider a sketch plan proposal to tear down a single-family home and construct a double dwelling unit at 3923 49th Street. The property is located adjacent to the 50th and France retail area; just north of the former Edina Realty Building site, now owned by the City of Edina, and east of a four story apartment building. The applicant would seek a Rezoning to R-2 to allow the use; and several Variances.

Teague explained that the applicant is proposing an energy efficient building that would include rooftop solar panels, a reduction in lumber costs due to framing techniques, and a 5% increase in energy efficiency.

Teague concluded that the proposed zoning to R-2 would be consistent with the R-2 zoning to the north and west. As demonstrated on page A4, there are four sites zoned R-1 on 49th Street West, and thirteen sites zoned R-2. In general, the duplexes on 49th Street West serve as a transition of land uses between the single-family homes to the north, and the commercial area at 50th and France.

Appearing for the Applicant

Mathias Mortenson

Applicant Presentation

Mr. Mortenson addressed the Commission and explained his client is an empty nester that is ready to move out of the house and move into a home that includes self-sufficient first floor living to serve their needs as they age. Mortenson also reported an elevator would be added to allow for access from the below grade parking to the upper floors.

Continuing, with graphics Mortenson pointed out the sustainable elements of the project to include rooftop solar panels, advanced framing techniques, high efficiency glazing, permeable hardscaping, materials with recycled content, low-flow fixtures among others.

Concluding, Mortenson said their goal is to be very considerate of the area and built a two-story double home with common entry and underground garage. Mortenson stood for questions.

Comments

Chair Staunton asked Mr. Mortenson how access to the garage is gained. Mr. Mortenson explained that access would be from the front street. Each unit would have its own curb cut, driveway and garage access.

Chair Staunton noted that the subject site abuts a commercial area and the City's public ramp and asked about the potential for future expansion or redevelopment. Planner Teague responded there is potential for ramp expansion and the City has also discussed adding an additional level; however, an Amendment to the Comprehensive Plan would be needed to proceed.

Mr. Mortenson said that the topography works in their favor adding he understands if anything is proposed for change on the abutting properties they would be made aware of those changes. Chair Staunton said his one concern was if an additional level was added to the ramp it may block sun from the solar panels. Continuing, Staunton stated he certainly understands the rezoning request pointing out that R-2 has been a traditional buffer between commercial and R-1 residential.

Commissioner Carr commented that she understands the request to rezone; however, has a concern with the driveway and the height of the retaining walls needed for garage access. She asked Mr. Mortenson if he knows the height of the retaining walls and what would be needed to support the driveway and access to the garages. Mr. Mortenson responded that he believes the retaining walls could be as high as 9 ½-feet with two curb cuts on the lot to access the garages. Continuing, Commissioner Carr noted that the curb cuts on both sides of the units could create some safety issues especially because of the high retaining walls. She said she would hate to see someone fall off those walls. Mr. Mortenson responded that landscaping would be added along with a guard rail to ensure safety. Mortenson said he wants the feel and look of the building to be residential and softened with landscaping and other elements.

Commissioner Potts suggested that the applicant meet with City staff to discuss drainage measures between now and formal application. Potts said at first glance the proposal makes sense with regard to the rezoning; however, more specifics are needed especially on drainage to ensure a good project. Mr. Mortenson said the design team will consider ways to create more permeable driveways and patio areas and implement other measures to address drainage. Potts further suggested that at the time of application that all calculations be correct on lot coverage, setback, etc.

Commissioner Forrest acknowledged the sustainable measures implemented for the project; however, pointed out a tear down is harder on the environment than remodel. Continuing, Forrest said she is also concerned with the variances and the lack of outdoor space. Forrest questioned why two units. Mr. Mortenson responded that the client could look at the rationale of a second unit to provide a financial benefit or the client may wish to combine families. Mortenson stated that the request to rezone made sense given the apartment building to the east and multiple double dwelling units on the same block. Mortenson did acknowledge that

the rezoning request would trigger the need for variances; reiterating they felt rezoning to a double made sense.

Commissioner Carr stated she agrees the rezoning makes sense; it's a good land use choice; however, she said she continues to be concerned with the two driveways. Carr said it's not only a safety issue for her but an aesthetic issue. She suggested revisiting this concept.

Commissioner Schroeder asked Planner Teague how this area is guided in the Comprehensive Plan. Planner Teague responded the Comp Plan guides this area as low density attached residential. Schroeder commented that it appears the rezoning moves this parcel more into compliance with the Comprehensive Plan. Continuing, Schroeder said he can support the rezoning; pointing out this parcel is also adjacent to an apartment building and other multiples. Schroeder said his concern is with guest parking and common areas, adding that may need to be revisited. Mr. Mortenson said in this area guest parking is accommodated on the street or in the driveways. He also noted the near public ramp parking and the adjacent apartment building has a guest lot.

Commissioner Carr complemented Mr. Mortenson on his interest in developing a sustainable building.

Commissioner Forrest stated she really likes the concept of the shared front door and the flexibility this design provides for residents to "age in place".

Commissioner Kilberg said he applauds the project; however would like to see a more enhanced street view. Kilberg said in his opinion character needs to be added to the structure to give it a more residential feel. Landscaping should also be developed.

Chair Staunton commented that the proposed new home(s) sits on a hill and asked Mortenson if he knows how the height of the old and new buildings compares. Mr. Mortenson responded that he believes the new structure would be higher than what exists today; possibly by six-feet.

Chair Staunton said in summary he believes the request to rezone the subject site and build a double dwelling unit makes sense; however, there are concerns with drainage, building design, profile and building height that need to be further addressed and clarified.

Planner Teague informed Mr. Mortenson that the Sketch Plan will be forwarded to the City Council for their feedback before formal application is made.

Chair Staunton suggested to Mr. Mortenson that he provide the City Council with a narrative explaining their intent and final goal.

The Council discussed the report and noted the following: on page E3, the link on Oaklawn Avenue in the Cornelia area was missing, though it was included on the map exhibit; on page 7, Safety, first paragraph, a campaign for driver education/awareness should be added; and, on page 26, the School District should be identified as the program implementation lead within school zones.

The Council supported moving forward with short-term improvements not tied to adoption of the Plan such as allowing bicycles on sidewalks with limits on speed, requirement to give right of way to pedestrians in all cases, and not allowing bicycles on posted sidewalks, standardization of crosswalks throughout the City; and, continuing the City's rolling traffic enforcement program.

Ms. Kunaw answered questions of the Council relating to components of the report. The Council thanked all who were involved in creation of this report, noting it was a profound work.

VIII.B. SKETCH PLAN 3923 49TH STREET – REVIEWED

Community Development Director Presentation

Community Development Director Teague presented the request to rezone to R-2 to allow tearing down of a single-family home and construction of a double dwelling unit at 3923 49th Street. This property was 9,000 square feet and located adjacent to the 50th and France retail area.

Proponent Presentation

Mathias Mortenson, architect representing the proponent, described the intended environmentally-friendly construction and design that would allow the proponents to age in place as they wanted to remain within this neighborhood.

The Council discussed the proposal and asked questions of Messrs. Teague and Mortenson. Mr. Teague advised of the need for a three-foot side yard setback variance for the proposed retaining wall. He stated if the property was zoned R-1 and a tear down/rebuild project, the maximum lot coverage would be 25.5% on this site.

The Council offered the following direction: reconfigure the garages to require one driveway/curb cut and lower impervious surface; assure safety (guardrail/fence/landscaping) was sufficient along the retaining wall; refine the building plan to lower lot coverage/building height/hardscape; assure architectural elements and site components meet the essential character of the existing neighborhood; and, consider feasibility of repurposing the existing single-family home.

VIII.C. ORDINANCE NO. 2014-01 – CHAPTER 10 REGARDING RESIDENTIAL REDEVELOPMENT ENFORCEMENT – ADOPTED

Mr. Teague explained the minor revisions made to Chapter 10 relating to residential redevelopment.

The Council discussed the wording and agreed with the following clarifications:

Page 1, Section 2.(3), seventh line, should indicate: "...the applicant must provide a detailed plans."

Page 2, Section 3.(b), last sentence should be replaced with: "Work is prohibited on Sundays and holidays."

Member Swenson made a motion to grant First and waive Second Reading adopting Ordinance No. 2014-01, Amending Chapter 10 of the Edina City Code Concerning Residential Redevelopment Enforcement, with changes noted. Member Bennett seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Sketch Plan Proposal

A37



STREET VIEW - LOOKING SOUTHWEST

PRELIMINARY REVIEW - 3923 49th STREET

JANUARY 10, 2014

MATHIAS MORTENSON • 612-655-3745

Sketch Plan Proposal



ISOMETRIC VIEW - LOOKING NORTHEAST

PRELIMINARY REVIEW - 3923 49th STREET

JANUARY 10, 2014

MATHIAS MORTENSON • 612-655-3745

438

Sketch Plan Proposal



NORTH ELEVATION



WEST ELEVATION

A39



SOUTH ELEVATION



EAST ELEVATION

PRELIMINARY REVIEW - 3923 49th STREET

JANUARY 10, 2014

MATHIAS MORTENSON • 612-655-3745

Cary,

Comments from Ross and I. I'm sure building will have some comments on the wall.

1. Egress well and driveway drain to landlocked areas adjacent to the foundations. It appears that there is no plan for drainage aside from calling out a 'French drain.' These areas should include either positive grade away from the foundation or a drainage system should be included that drains away.
2. It appears there is are drainage and erosion control plans proposed. A registered Civil Engineer should design these two plans.
3. There is a 8' drop near the concrete walk adjacent to the driveway, and adjacent to the patio near the egress well. I believe building code requires a railing for anything over 30-inches.
4. There are 6+ retaining walls directly adjacent to the neighboring property to the west. Any wall over 4' will require structural engineering. This wall will require permission from the neighboring property to be constructed?

Thanks,
Chad



Chad Millner, Director of Engineering

952-826-0318 | Fax 952-826-0392

cmillner@EdinaMN.gov | www.EdinaMN.gov

...For Living, Learning, Raising Families & Doing Business

City Hall • Phone 952-833-9520
Fax 952-826-0390 • www.CityofEdina.com



Date: March 27, 2014
To: Cary Teague, Community Development Director
cc: Tom Schmitz, Fire Chief
From: David Fisher – Chief Building Official
Re: 3923 49th Street – Double Dwelling - Plans Dated February 26, 2014

The Building Department has reviewed the above proposed project with following comments:

- Provide a complete building code analysis when the construction plans are submitted to the city for building permits.
- Plan could be two family dwelling or four dwellings. Clarify the number of dwellings.
- Provide adequate fire department access to the buildings.
- Verify height requirements for the indoor accessible parking.
- Verify what code building will be used to build the structure, the 2006 IRC or the 2006 IBC.
- Verify if accessibility is required. An example if accessibility is required:
 - Accessible parking indoors and outdoors.
 - Ramp into dwelling at main entry.
 - Doors and door widths.
 - Door hardware.
 - Accessible route.
 - Accessible bathrooms and kitchens.
- Retaining walls over 4 feet require engineering and a building permit.
- Recommend this project has a pre-construction meeting with the design professionals, contractor, the project manager and the city building and fire department staff.

A41

Jackie Hoogenakker

From: Mary E Zarling <maryzar@comcast.net>
Sent: Saturday, March 29, 2014 4:47 PM
To: Jackie Hoogenakker
Subject: 3923 49th St west rezoning

March 29, 2014

To whom it may concern,

I am a home owner in the White Oaks addition of Edina and am in opposition to the rezoning of 3923 W. 49th St. Downtown Edina is encroaching on the surrounding neighborhoods. It is an extremely congested area and is faced with less and less green space each season. I see know valid reason to rezone a single family dwelling to a multiple family dwelling except to profit the builder.

The White Oaks area is in the midst of suffering from street improvements made to the Country Club area which has led to the demise of neighborhood woodland and wetland areas. In good faith the city should seek to improve past errors in neighborhoods as opposed to increasing populations.

Sincerely,

Mary Zarling

Jackie Hoogenakker

From: David Cartwright <dmcartwright4@gmail.com>
Sent: Monday, March 31, 2014 6:07 AM
To: Jackie Hoogenakker
Subject: Case file 2014.004

To the public hearing commission:

I received a letter seeking opinion of proposed rezoning of 3923 49 st west. I live on 4005 west 48th st and come within the 1000 ft of stated address. I am strongly opposed to tearing down any existing structure to make room for a bigger addition/duplex. There is already too much traffic congestion, am sick of the construction and noise that goes along with these projects.

Sincerely,

David Cartwright