



PLANNING COMMISSION STAFF REPORT

Originator Breanne Rothstein, Consulting Planner	Meeting Date August 13, 2014	Agenda # 2014-11
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Recommended Action: Approve a conditional use permit to allow the construction of a new home more than one foot above (4.4 feet total) the existing first floor elevation at the property located at 4603 Annaway Drive.

Project Description:

Kathryn Alexander has submitted a conditional use permit on behalf of the property owners to increase the first floor elevation 4.4 feet higher than the current first floor elevation in order to construct a new home at 4603 Annaway Drive. This property is located on the northernmost edge of Edina in the Rolling Green neighborhood and a portion of the property is located in the floodplain.

INFORMATION & BACKGROUND

A Conditional Use Permit is required to allow the first floor elevation of the new home to exceed the first floor elevation of the existing home by more than one foot. The current home located at 4603 Annaway Drive has a first floor elevation at 889.3 feet above sea level. This neighborhood in Edina is located in a floodplain area, and the currently established floodplain elevation is 889.4. Therefore, the entire basement of the existing home is in the floodplain.

Eligibility Requirements for Issuance of a Conditional Use Permit

City Code allows for the issuance of a conditional use permit to increase the first floor elevation of a new home over one foot above the existing home under one of the following circumstances:

- 1) To elevate the lowest level of the dwelling to an elevation of two feet above the 100-year flood elevation, as established by FEMA;
- 2) To elevate the lowest level of the dwelling to protect from groundwater intrusion;
- 3) To elevate the first floor elevation to the extent necessary to meet the state building code, city code, or statutory requirements;

Furthermore, a conditional use permit may only be issued if the proposed project fits the character of the neighborhood in height, scale, and mass.

This property is situated at an elevation that is currently just above the floodplain. FEMA has submitted draft revisions to the existing floodplain elevation of 889.4 to increase the flood elevation to 891.0. The city has conducted an independent model and disputed the proposed FEMA elevation, suggesting instead an flood elevation of 890.0. Whatever the determination (891 or 890) a portion of this lot would be in the revised floodplain. Therefore, the applicant is seeking to establish a grade, low floor elevation at 892.0, which would be 1 (or 2 feet) above the newly established floodplain. City code requires a 2 foot separation between floodplain and lowest floor elevations. Furthermore, the building code now requires increased minimum ceiling height in basements and a minimum of 12 inch floor trusses.

In staff's analysis, the proposed home fits the character of the neighborhood with regard to height, scale, and massing. There have been several teardown/re-builds in this neighborhood, the proposed homes is below the maximum height restrictions, and the large lots make it easier to meet requirements for lot coverage and setbacks. Therefore, the first floor elevation request meets the eligibility requirements for consideration of a conditional use permit.

Surrounding Land Uses

- Northerly: Meadowbrook Golf Course in Saint Louis Park.
- Easterly: Single Unit residential homes; zoned and guided low-density residential.
- Southerly: Single Unit residential homes; zoned and guided low-density residential.
- Westerly: Meadowbrook Golf Course in Saint Louis Park.

Existing Site Features

The existing 52,140 square foot (1.19 acre) lot is located immediately adjacent to the Meadowbrook Golf Course, and has a two-story, two car garage on the property. The site is heavily treed in the rear of the lot and serves as a buffer between the existing home and the clubhouse for the golf course.

Planning

- Guide Plan designation: Low-Density Residential
- Zoning: R-1, Single-Dwelling District

Grading & Drainage

The grading must not impact adjacent neighbors. The Environmental Engineer has reviewed the application and submitted comments in the attached memo. He has no major concerns with the proposed work.

Conditional Use Permit

Per Section 36-305, the City Council shall not grant a Conditional Use Permit unless it finds that the establishment, maintenance and operation of the use:

- 1. Does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;***

The proposal for a tear down and rebuild of a new single-family home will not have an impact on governmental facilities or services. A single-family home is a permitted use on the site.

- 2. Will generate traffic within the capacity of the streets serving the property;***

The proposal to tear down and rebuild a single-family home would not have an impact on traffic or the capacity of the streets serving the property. The use, a single-family home, remains the same on the property.

- 3. Does not have an undue adverse impact on the public health, safety or welfare;***

There would be no impact, as the use of the property remains the same as exists today. Increasing the elevation of the proposed home will increase the safety and welfare of the home and its inhabitants by decreasing the flood risk.

- 4. Will not impede the normal and orderly development and improvement of other property in the vicinity;***

The proposed new home would replace an existing home on the site and would not impede future development of other properties in the vicinity.

- 5. Conforms to the applicable restrictions and special conditions of the district in which it is located as imposed by this Section; and***

The new home would meet all applicable zoning ordinance requirements.

- 6. Is consistent with the Comprehensive Plan.***

A single-family home is consistent with the low-density residential land use designation within the Comprehensive Plan.

Compliance Table

	City Standard	Proposed
Front – Annaway Drive	48 feet	57.4 feet
Side - South	17.5 feet (farthest)	20.5 feet
Rear– East	25 feet	58 feet
Side – North	10 feet	36 feet
Building Coverage	25%	10.3%
Building Height	40 feet	34 feet

PRIMARY ISSUES & STAFF RECOMENDATION

Primary Issues

- **Does the proposed new home meet the criteria for approval of a conditional use permit with a first floor elevation 4.4 feet higher than the existing home?**

Staff believes the proposal meets the criteria for a conditional use permit to allow the first floor elevation 4.4 feet higher than the existing home for the following four reasons:

- 1) The proposed home design elevates the lowest level of the dwelling to an elevation of two feet above the city-proposed 100-year flood elevation of 890.0 (and one foot above the proposed FEMA elevation);
- 2) The proposed home design elevates the first floor elevation to the extent necessary to meet the state building code with regard to minimum ceiling heights and minimum floor truss size;
- 3) The proposed home design project fits the character of the neighborhood in height, scale, and mass;
- 4) The request meets the criteria for approval of a conditional use permit, given the following findings:
 - a. The proposal meets the Conditional Use Permit conditions of the Zoning Ordinance Section 36-305.

- b. The proposal meets all applicable Zoning Ordinance requirements.
- c. The proposal fits the character with this neighborhood.
- d. The proposal does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;
- e. The proposal will generate traffic within the capacity of the streets serving the property;
- f. The proposal does not have an undue adverse impact on the public health, safety or welfare;
- g. The proposal will not impede the normal and orderly development and improvement of other property in the vicinity;
- h. The proposal conforms to the applicable restrictions and special conditions of the district in which it is located as imposed by this Section; and
- i. The proposal is consistent with the Comprehensive Plan.

Staff Recommendation

Staff recommends approval of the conditional use permit, as requested subject to the findings listed in the staff report above, and subject to the following conditions:

1. The site must be developed and maintained in conformance with the following plans:
 - Survey date stamped June 23, 2014
 - Building plans and elevations date stamped June 23, 2014
2. Compliance with the conditions and comments listed in the Environmental Engineer's memo dated August 1, 2014.

Deadline for a city decision: September 9, 2014

Explanation of Request

We are requesting a Conditional Use Permit to raise the main floor of the new house to be more than 1'-0" above that of the existing house.

4603 Annaway is positioned in a low area of Edina. The city is currently in an appeals process with FEMA to determine the new flood plain elevation for this area. It is currently 889.4. FEMA has proposed to change it to 891.0 and the city of Edina is proposing 890.0. Given the low laying nature of this lot and the fact that it has a drainage easement running through it, we are proposing that it would be prudent to raise the main floor of the house so that the basement level of the house stays above the flood plain. With current construction methods of floor trusses and today's ceiling heights, the 12" maximum floor height change code would force the basement floor to be below flood plain.

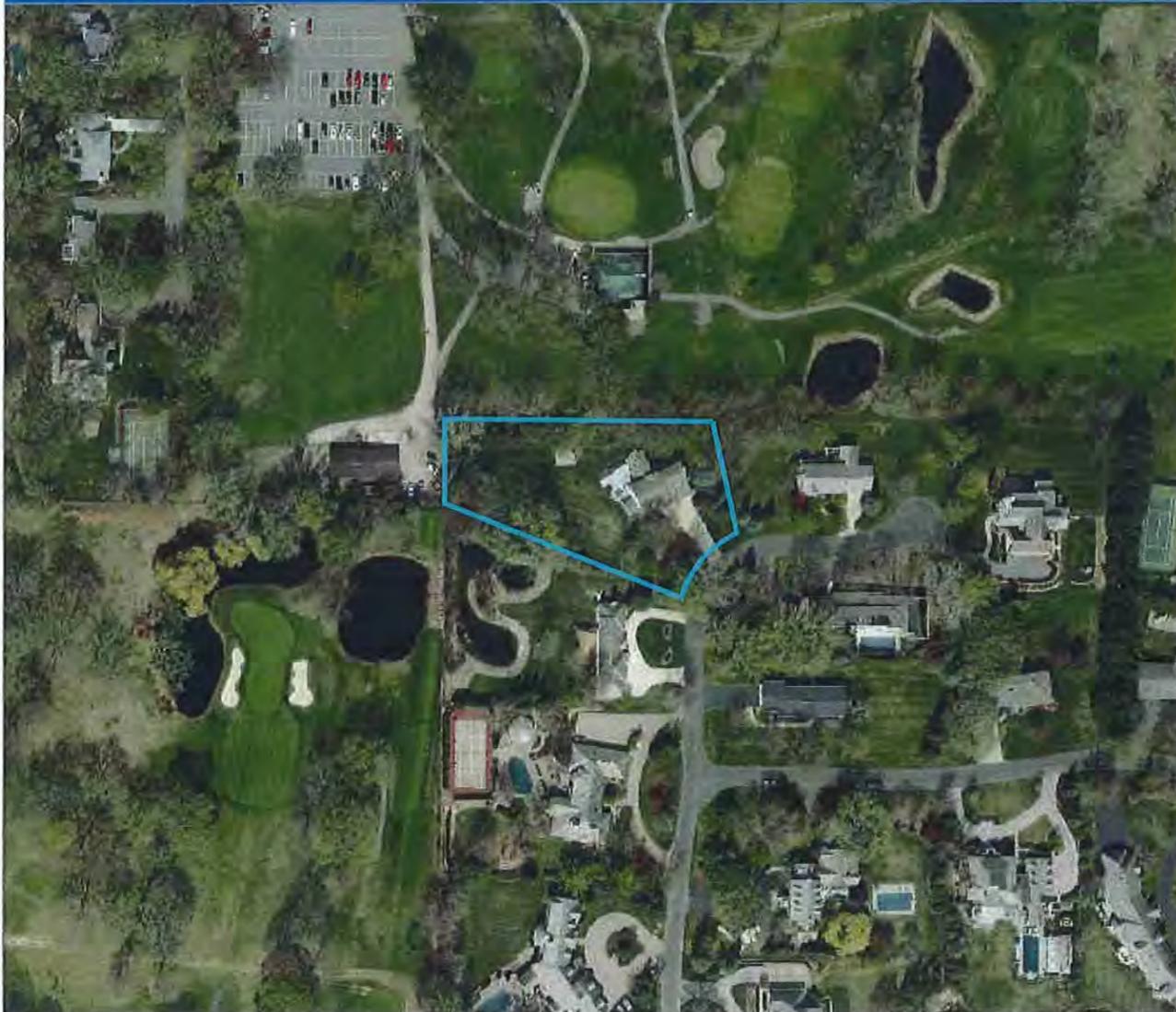
We feel it would be in the best interest of the safety and continued current use of the property to raise the house out of the ground so that the main floor elevation would be 903.7. The current house main floor is at 899.3 so we would be raising the main floor elevation by 4.4' instead of 1'-0". This would allow the basement to be at 892.0. In doing so we would still be well within the code parameters for normal building height as measured from average existing grade. We are actually 2'-8 3/4" below the required building height. If granted, the CUP would in no way affect the general use of the surrounding area or the essential character of the locality. The lot is large and heavily treed. Neighbors are not close or barely visible. The lot is quite private. It would also not affect the health, safety or well-being of the community in any way. It would, however, potentially alleviate wet basement and flooding problems, which this year, we are all too familiar with.

We respectfully ask that you carefully consider this CUP for the safety and well-being of the new family that will be residing there. Thank you in advance for your time and attention to this.





Parcel ID: 29-117-21-21-0008	A-T-B:	Map Scale: 1" ≈ 200 ft. Print Date: 8/8/2014
Owner Name: Nicole Jennings Trustee	Market Total:	
Parcel Address: 4603 Annaway Dr Edina, MN 55436	Tax Total:	
Property Type: Residential	Sale Price:	
Homestead: Homestead	Sale Date:	This map is a compilation of data from various sources and is furnished "AS IS" with no representation or warranty expressed or implied, including fitness of any particular purpose, merchantability, or the accuracy and completeness of the information shown.
Parcel Area: 1.2 acres 52,345 sq ft	Sale Code:	COPYRIGHT © HENNEPIN COUNTY 2014 



Parcel ID: 29-117-21-21-0008

Owner Name: Nicole Jennings Trustee

Parcel Address: 4603 Annaway Dr
Edina, MN 55436

Property Type: Residential

Home- stead: Homestead

Parcel Area: 1.2 acres
52,345 sq ft

A-T-B:

Market Total:

Tax Total:

Sale Price:

Sale Date:

Sale Code:

Map Scale: 1" ≈ 200 ft.

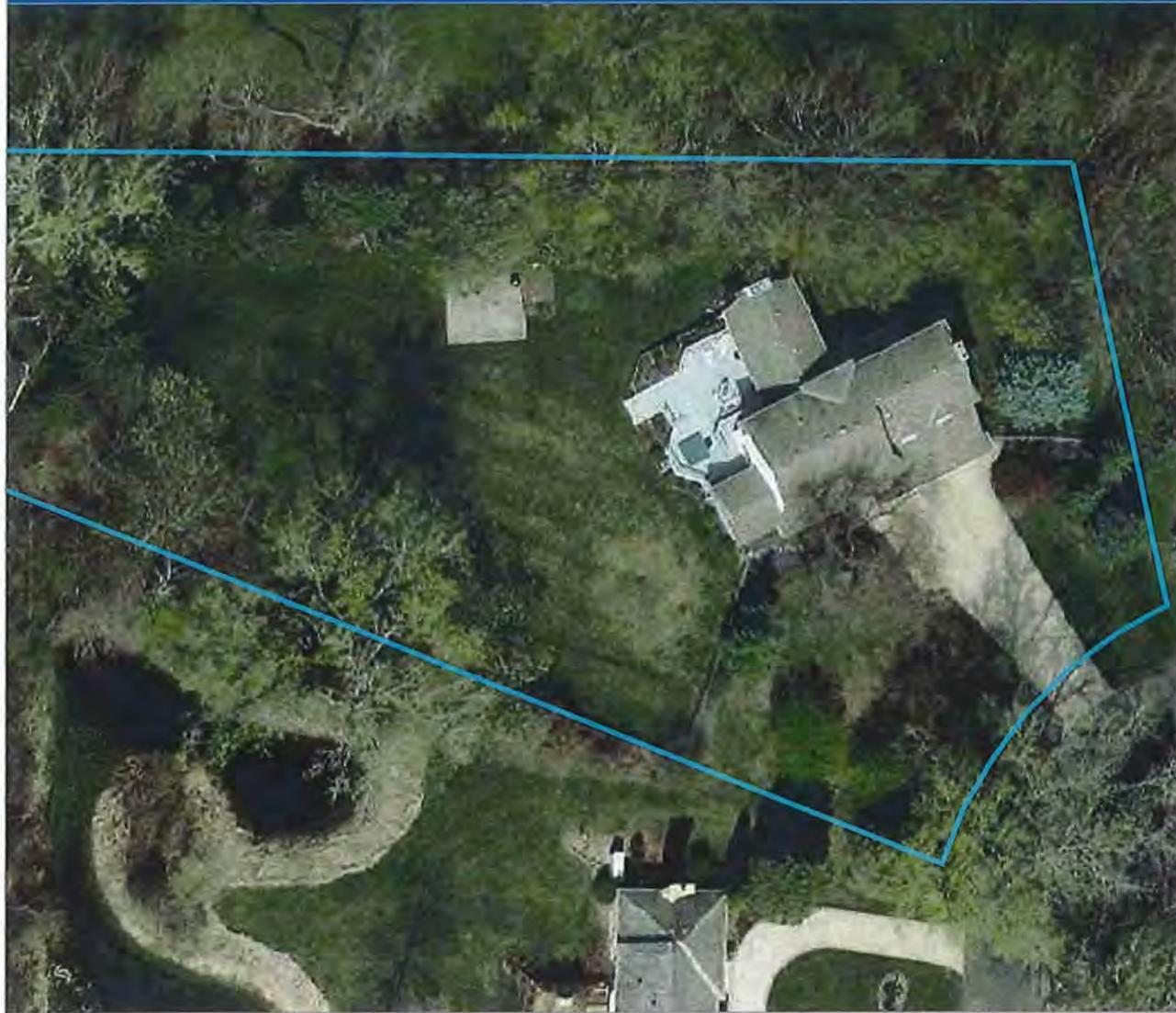
Print Date: 8/8/2014



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Parcel ID: 29-117-21-21-0008

Owner Name: Nicole Jennings Trustee

Parcel Address: 4603 Annaway Dr
Edina, MN 55436

Property Type: Residential

Home-stead: Homestead

Parcel Area: 1.2 acres
52,345 sq ft

A-T-B:

Market Total:

Tax Total:

Sale Price:

Sale Date:

Sale Code:

Map Scale: 1" ≈ 50 ft.

Print Date: 8/8/2014



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DATE: August 1, 2014
TO: Cary Teague – Planning Director
CC: David Fisher – Building Official
Chad Milner – City Engineer
FROM: Ross Bintner P.E. - Environmental Engineer
RE: **4603 Anway Drive - Special Review of Variance Application**

The Engineering Department has reviewed the subject property for street and utility concerns, grading, storm water, erosion and sediment control and for general adherence to the following ordinance sections:

- Chapter 10, Article 4 – Demolition Permit Stormwater and Erosion Control (10-106 to 10-113)
- Chapter 10, Article 7 – Littering in the Course of Construction Work (10-341 to 10-345)
- Chapter 10 Article 17 – Land Disturbing Activities (10-674 to 10-710)
- Chapter 24, Article 4 Division 2 – Roadway Access (24-129 to 24-133)
- Chapter 36, Article 12 – Drainage, Retaining Walls and Site Access (36-1257)

This review was performed at the request of the Planning Department and assumes the provided documents were submitted for building permit review. A more detailed review will be performed at the time of building permit application.

Land Use/Planning Concerns

1. Floodplain fill is insignificant and will be covered by Watershed District permitting process.
2. Variance for floor elevation is justified to lift building low floor above flood elevation.

General

1. A separate permit may be required from Minnehaha Creek Watershed District: www.minnehahacreek.org/
2. Site survey should follow the standard described in policy SP-005-B included in the building permit application packet.

Street and Curb Cut

3. Application proposes relocation or modification of curb cut, Follow standards in curb cut permit application: http://edinamn.gov/edinafiles/files/City_Offices/Public_Works/CurbCutApplication.pdf

Sanitary and Water Utilities

4. Show utility connections.

Storm Water Utility

5. The subject site front yard drains to subwatershed EI-3. Downstream public system stormwater capacity is available.
6. The subject site rear yard drains to subwatershed EI-25. This drainage path is through a rear yard storm collection system that drains to the same public system.

ENGINEERING DEPARTMENT

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7. Applicant may review local drainage features at the following links: <https://maps.barr.com/edina/> and http://edinamn.gov/index.php?section=engineering_water_resource.
8. Required storm water and erosion control precautions are described below.

Site Storm Water

Ordinance Chapter 10, article 4 - Demolition Permits And Building Permits For Single And Two Family Dwelling Units (Sec.10-110), states:

For a building permit, the applicant must submit stormwater and erosion control plans prepared and signed by a licensed professional engineer. The plans must be approved by the City Engineer and the permit holder must adhere to the approved plans. The stormwater management plan must detail how stormwater will be controlled to prevent damage to adjacent property and adverse impacts to the public stormwater drainage system. The erosion control plan must document how proper erosion and sediment control will be maintained on a continual basis to contain on-site erosion and protect on and off-site vegetation. Permit holder must protect all storm drain inlets with sediment capture devices at all time during the project when soil disturbing activities may result in sediment laden stormwater runoff entering the inlet. The permit holder is responsible for preventing or minimizing the potential for unsafe conditions, flooding, or siltation problems. Devices must be regularly cleaned out and emergency overflow must be an integral part of the device to reduce the flooding potential. Devices must be placed to prevent the creation of driving hazards or obstructions.

9. The following comments apply to the storm water management plan.
 - a. Minnehaha Creek Watershed District standards, if applicable.

Grading, Erosion and Sediment Control

10. The following comments apply to the erosion and sediment control plan:

- a. Recheck standard notes. Some appear to apply only to commercial or State permitted SWPPP plans.
- b. Provide erosion and sediment control precautions described under Edina City Code Chapter 10, Article 7 – Littering in the Course of Construction Work (10-341 to 10-345).
- c. Include provisions for temporary erosion control. (MNDOT 100,110, 150 all may be cheaper solution for temp seed, and straw mulch is allowed)
- d. Identify on the plan the individual responsible for the cleanliness of the site and the maintenance of the erosion and sediment controls.
- e. Identify pollution prevention techniques that will be used in the case of temporary pumped discharge.

ENGINEERING DEPARTMENT

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37'-3 1/2\"/>

8\"/>

⊕ FRONT ELEVATION
SCALE: 1/4\"/>

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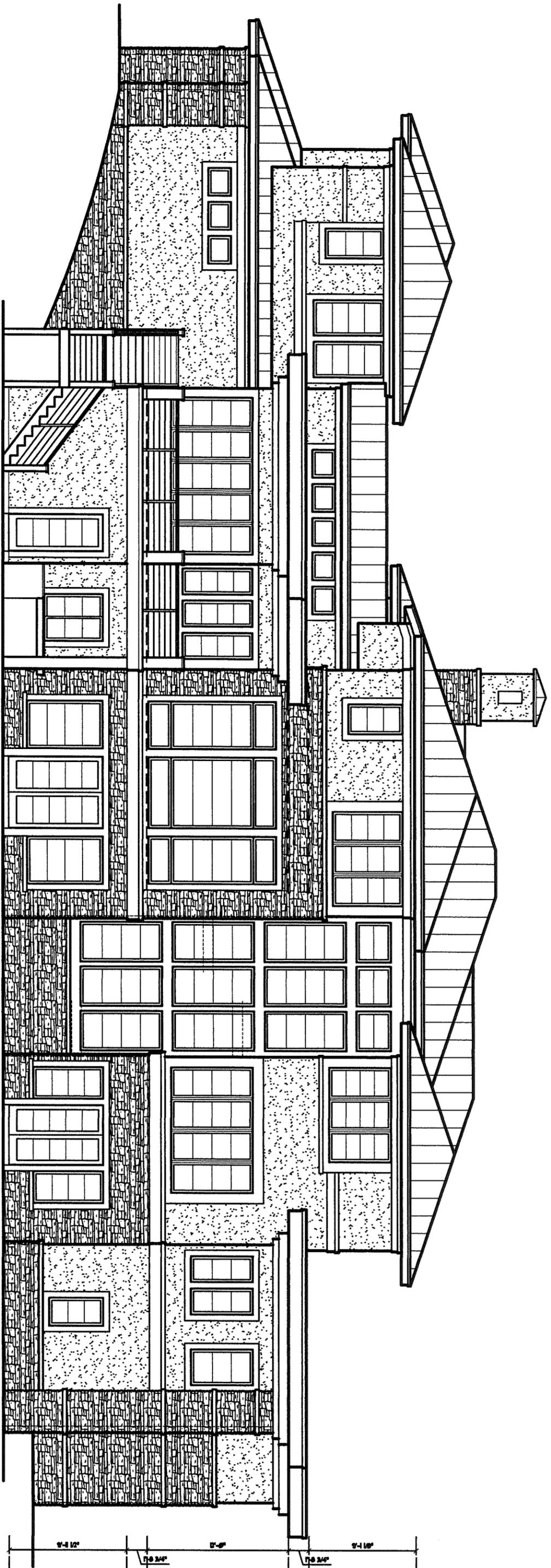
401 EAST LAKE STREET
WAYZATA, MN 55391
Phone: 952.473.8777
FAX: 952.473.8222

DATE: 20 JUNE 2014
DRAWN BY: [REDACTED]
P. JUN 14

DRAWING DESCRIPTION:
FRONT ELEVATION
ADMIN: [REDACTED]

PRELIMINARY PLAN SET

JENNINGS RESIDENCE
4605 ANNALAY DRIVE
EDNA, MN

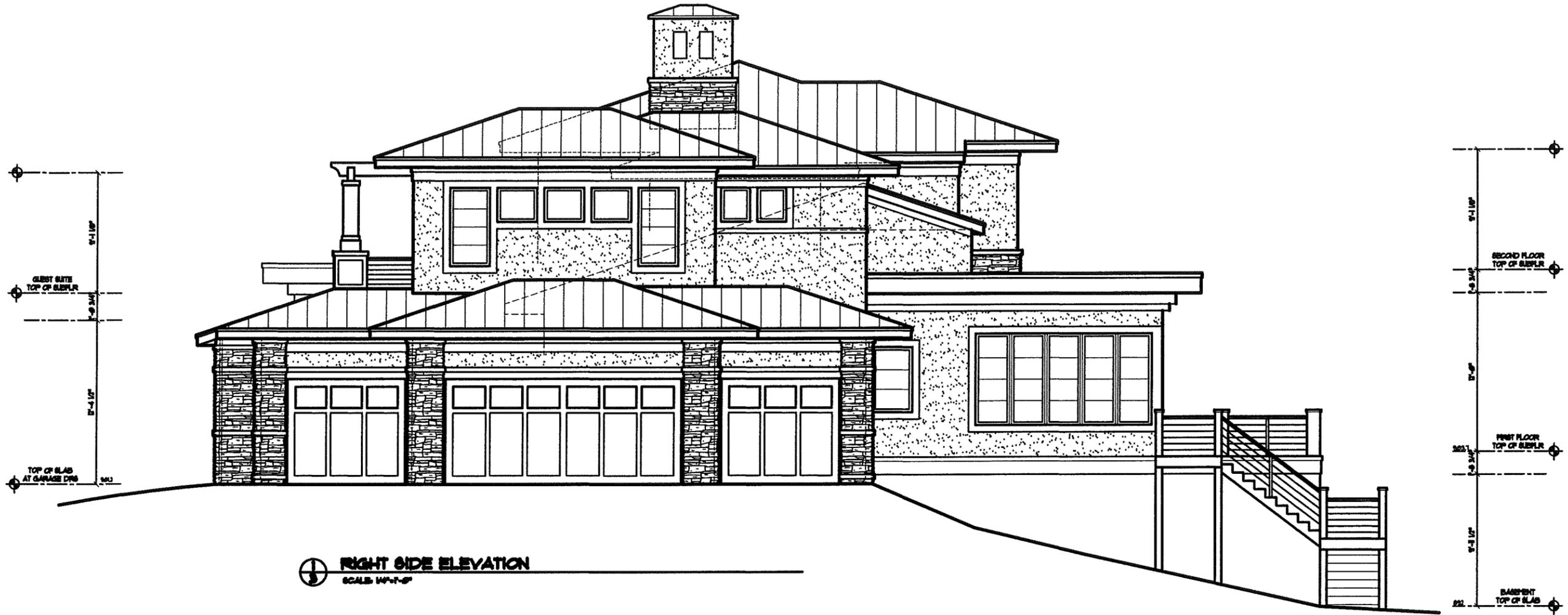


⊕ REAR ELEVATION
SCALE 1/8"=1'-0"

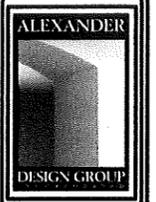
9'-4 1/2" 7'-0 3/4" 2'-0" 7'-0 3/4" 9'-1 1/8"

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<p>2 OF 8</p>	<p>JENNINGS RESIDENCE 4605 ANNAMAY DRIVE EDNA, MN</p>	<p>PRELIMINARY PLAN SET</p>	<p>DRAWING DESCRIPTION: REAR ELEVATION</p>	<p>ISSUE DATE: 20 JUNE 2014</p>	<p>401 EAST LAKE STREET WAZATA, MN 55391 PHONE: 952.412.8777 FAX: 952.412.8222</p>
			<p>ADJENNINGS</p>	<p>PREVIOUS ISSUE DATES: 12 JAN 14</p>	



① **RIGHT SIDE ELEVATION**
SCALE: 1/4" = 1'-0"



401 EAST LAKE STREET
WAYZATA, MN 55391
Phone: 952.473.8777
FAX: 952.473.8222

ISSUE DATE:
20 JUNE 2014
DRAWING NAME: JENNINGS
12 JUN 14

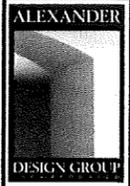
DRAWING DESCRIPTION:
RIGHT SIDE ELEVATION
ADJENNINGS

PRELIMINARY PLAN SET

JENNINGS RESIDENCE
4603 ANNALAY DRIVE
EDINA, MN




LEFT SIDE ELEVATION
 SCALE: 1/4" = 1'-0"



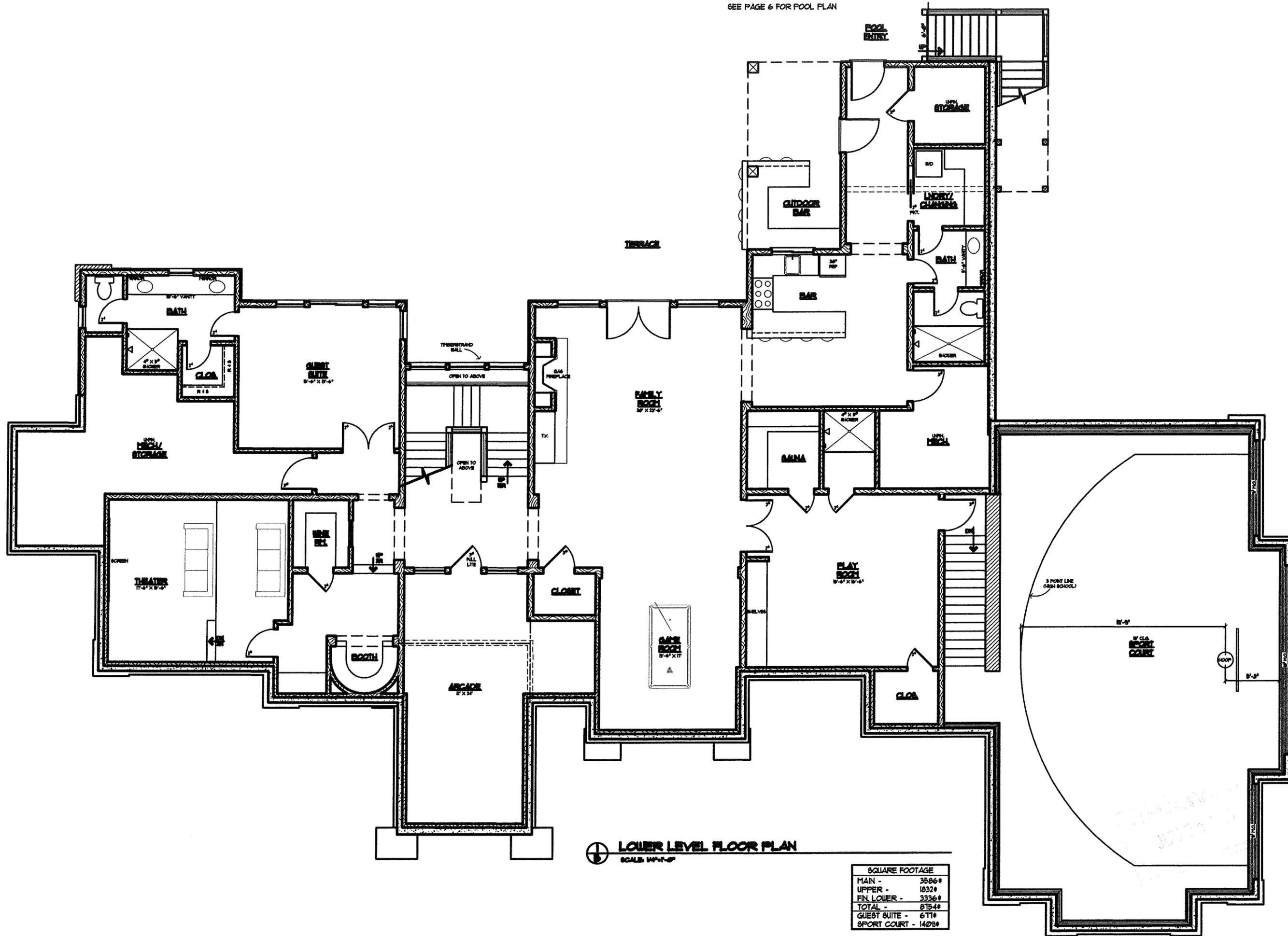
401 EAST LAKE STREET
 WAYZATA, MN 55391
 Phone: 952.473.8777
 FAX: 952.473.8222

ISSUE DATE:
20 JUNE 2014
 PERIODIC REVISION DATE:
 12 JAN 14

DRAWING DESCRIPTION:
LEFT SIDE ELEVATION
 ADJUSTMENTS

PRELIMINARY PLAN SET

JENNINGS RESIDENCE
 4605 ANNAWAY DRIVE
 EDNA, MN



LOWER LEVEL FLOOR PLAN
SCALE: 1/4" = 1'-0"

SQUARE FOOTAGE	
MAIN -	3586#
UPPER -	1832#
FIN. LOWER -	3336#
TOTAL -	8754#
GUEST SUITE -	671#
SPORT COURT -	1429#

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401 EAST LAKE STREET
WAYZATA, MN 55391
Phone: 952.473.8777
FAX: 952.473.8222

DATE	DESCRIPTION
20 JUNE 2014	REVISION
21 MAY 14	REVISION
28 MAY 14	REVISION
04 JUN 14	REVISION

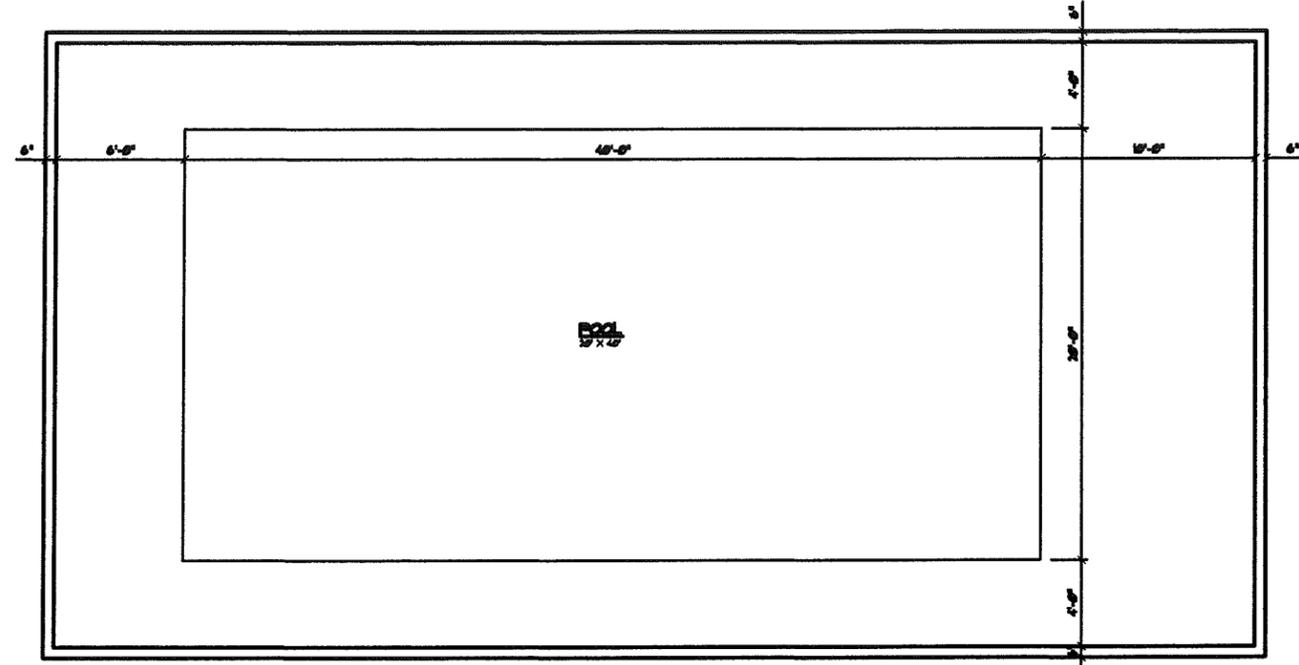
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LOWER LEVEL FLOOR PLAN

ADDITIONS:

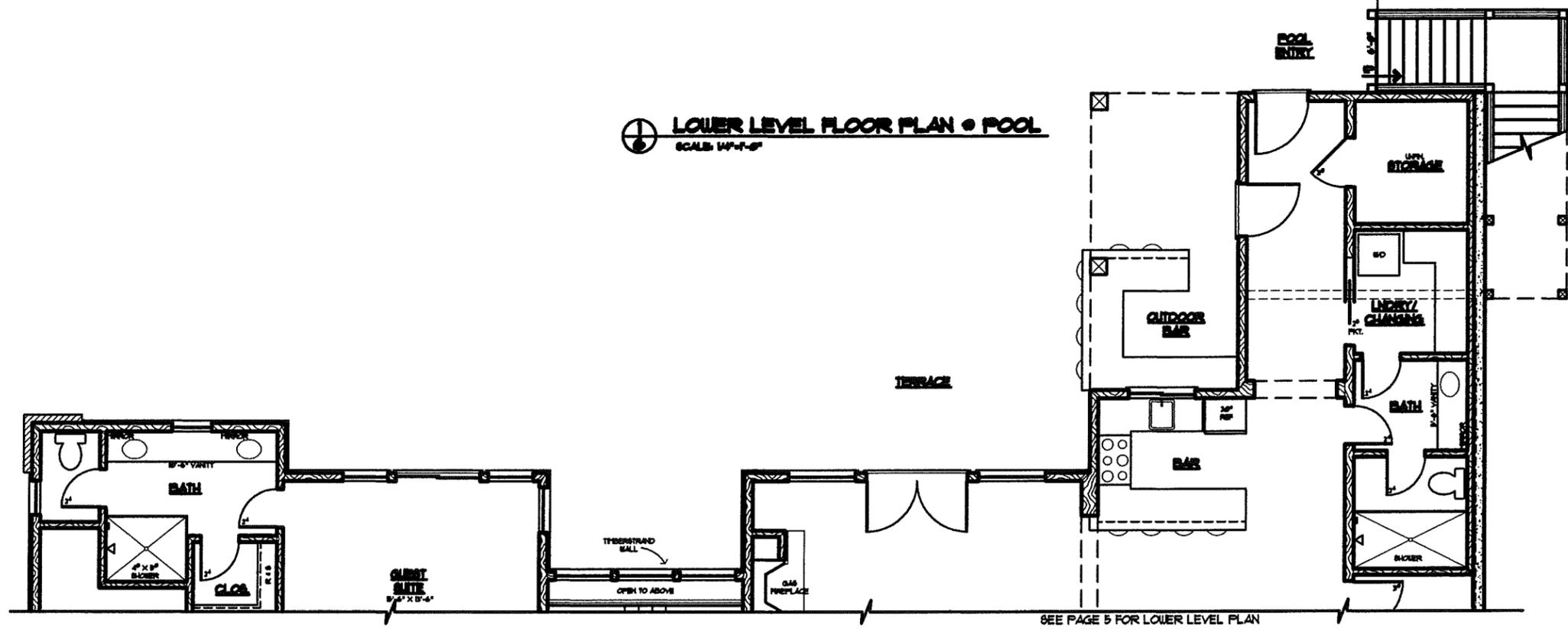
PRELIMINARY PLAN SET

JENNINGS RESIDENCE
4605 ANNAMAY DRIVE
EDINA, MN

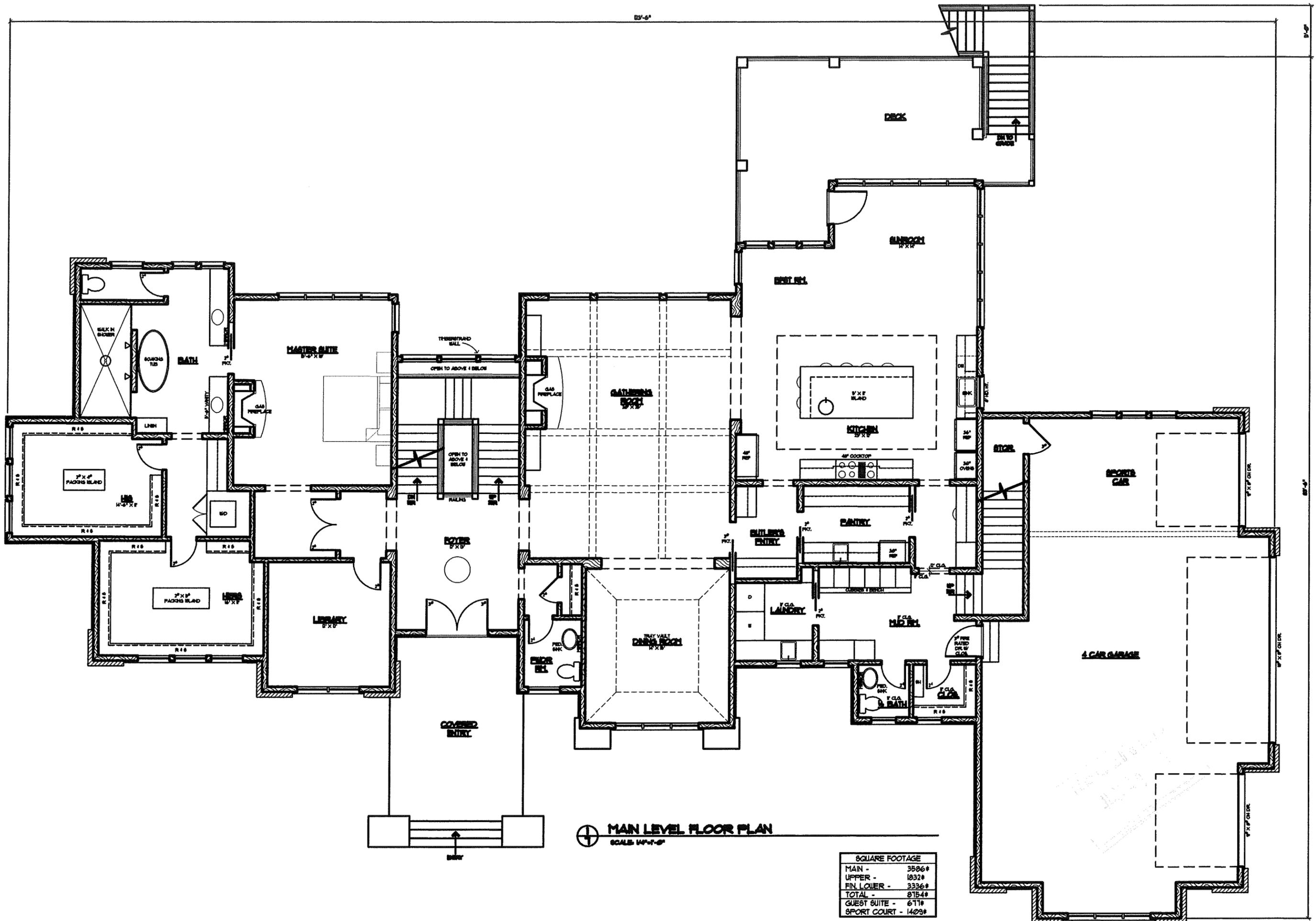
5 of 8



LOWER LEVEL FLOOR PLAN - POOL
SCALE: 1/4" = 1'-0"

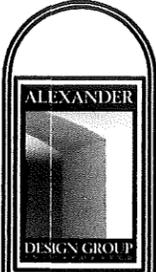


FOR REVIEW ONLY
NOT FOR CONSTRUCTION



MAIN LEVEL FLOOR PLAN
SCALE: 1/4" = 1'-0"

SQUARE FOOTAGE	
MAIN	3586#
UPPER	1832#
FIN. LOWER	3336#
TOTAL	8754#
GUEST SUITE	611#
SPORT COURT	1429#



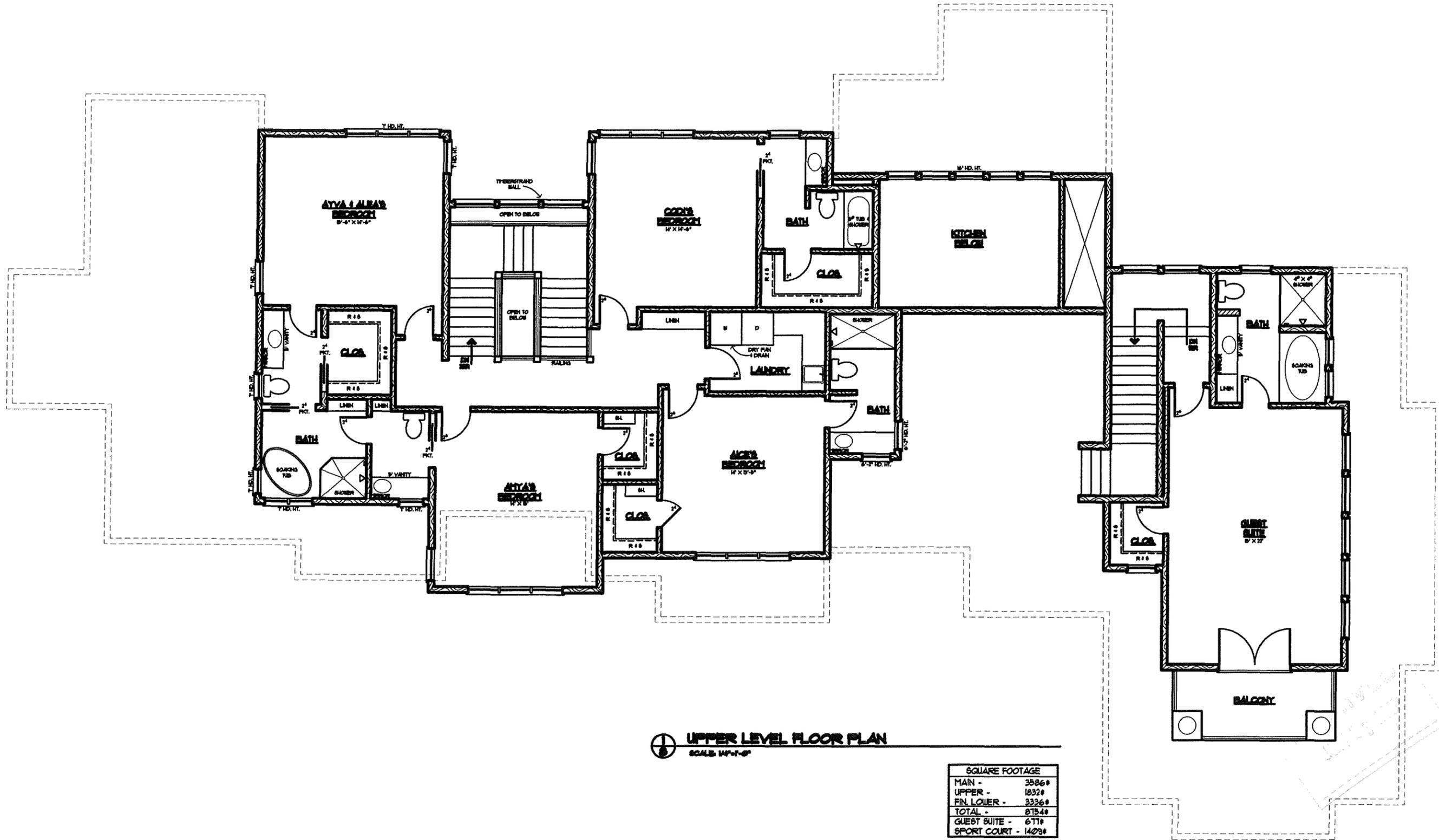
401 EAST LAKE STREET
WAYZATA, MN 55391
Phone: 952.473.8777
FAX: 952.473.8222

DATE: 20 JUNE 2014
REVISION: 1
21 MAY 14
28 MAY 14
12 JUN 14

DRAWING DESCRIPTION:
MAN LEVEL FLOOR PLAN
ADJUSTMENTS

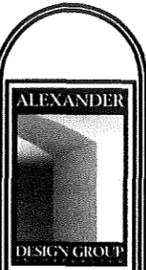
PRELIMINARY PLAN SET

JENNINGS RESIDENCE
4603 ANNAWAY DRIVE
EDNA, MN



UPPER LEVEL FLOOR PLAN
SCALE: 1/4" = 1'-0"

SQUARE FOOTAGE	
MAIN -	2506#
UPPER -	1032#
FIN. LOWER -	3336#
TOTAL -	6774#
GUEST SUITE -	677#
SPORT COURT -	1409#



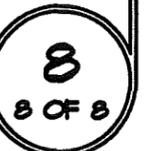
401 EAST LAKE STREET
WAYZATA, MN 55391
Phone: 952.473.8777
FAX: 952.473.8222

DATE: 20 JUNE 2014
DESIGNER: JIM LUTHE

DRAWING DESCRIPTION:
UPPER LEVEL FLOOR PLAN

PRELIMINARY PLAN SET

JENNINGS RESIDENCE
4605 ANNALAY DRIVE
EDINA, MN





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3d Model

Jennings Residence

REVISIONS		
	MM/DD/YY	REMARKS
1	06/19/14	presentation set
2		
3		
4		
5		

A 002



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RECEIVED
JULY 15 2014

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3d Model

Jennings Residence

REVISIONS		
	MM/DD/YY	REMARKS
1	06/19/14	presentation set
2		
3		
4		
5		

A 004

A



4604 Annaway Drive

**Proposed Home at
4603 Annaway Drive**

4602 Annaway Drive

Street Scape

1" = 30'-0"

Please Note:

These homes are built along a curved road. Only the proposed home is seen in straight on elevation . The neighboring homes are seen at true angles to the viewer and are spaced accordingly as the crow flies.

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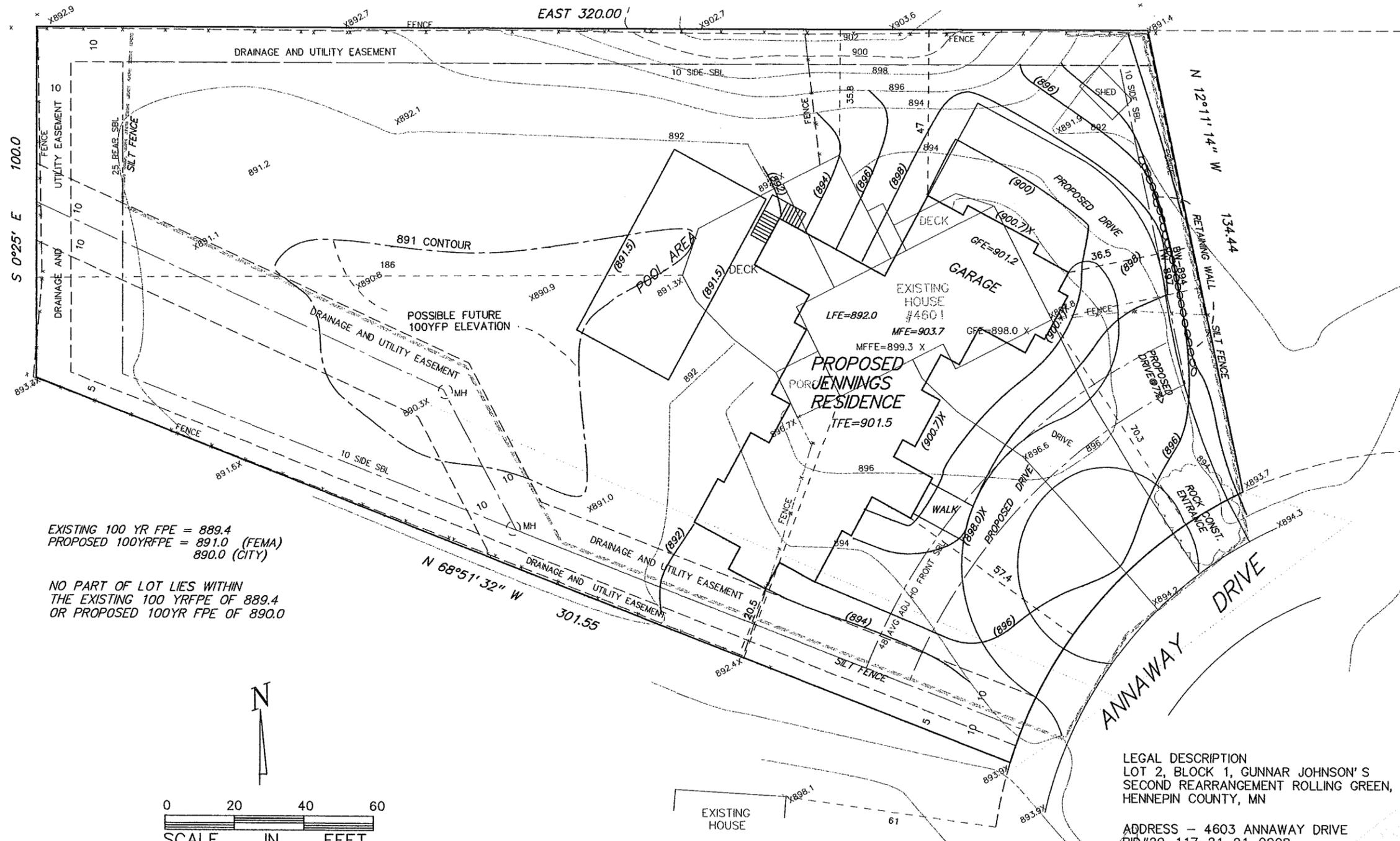


Street Scape

Jennings Residence

REVISIONS		
	MM/DD/YY	REMARKS
1	06/19/14	street scape
2		
3		
4		
5		

A 001



EXISTING 100 YR FPE = 889.4
 PROPOSED 100YR FPE = 891.0 (FEMA)
 890.0 (CITY)

NO PART OF LOT LIES WITHIN
 THE EXISTING 100 YR FPE OF 889.4
 OR PROPOSED 100YR FPE OF 890.0

0 20 40 60
 SCALE IN FEET

- X992.5 = EXISTING SPOT ELEVATION.
- X(998.0) = PROPOSED SPOT ELEVATION
- = DIRECTION SURFACE DRAINAGE
- COH = CANTILEVERED OVERHANG
- OHL = OVERHEAD UTILITY LINE
- GFE = GARAGE FLOOR ELEVATION
- TFE = TOP OF FOUNDATION ELEVATION
- LFE = LOWEST FLOOR ELEVATION

PROPOSED ELEVATIONS
 GARAGE FLOOR = 902.0
 MAIN FINISH FLOOR = 903.7
 TOP OF FOUNDATION = 902.3(VARIES)
 LOWEST FLOOR = 892.0

HARDCOVER PROPOSED
 HOUSE = 5345 SF
 POOL AREA 7443 SF (N/C)
 TOTAL = 5345 SF / 10.3%

LEGAL DESCRIPTION
 LOT 2, BLOCK 1, GUNNAR JOHNSON'S
 SECOND REARRANGEMENT ROLLING GREEN,
 HENNEPIN COUNTY, MN

ADDRESS - 4603 ANWAY DRIVE
 PID#29-117-21-21-0008

LOT AREA = 52140 SF / 1.19 AC
 X 25% = 13035 SF STRUCTURE
 HC ALLOWED

SURVEY IS SUBJECT TO CHANGE PER
 TITLE OR EASEMENT INFORMATION

VERIFY ALL SETBACKS WITH CITY

Land
 Frank R. Cardarelli Surveyor
 6440 FLYING CLOUD DRIVE
 EDEN PRAIRIE, MN 55344
 952-941-3031

BUILDING PERMIT SURVEY
 4603 ANWAY DRIVE
 10' DENALI HOMES

PROJECT NO. _____ BOOK _____
 DATE APR 1, 2014 PAGE _____
 REVISIONS
 6/28/14 PROP HO. SITE, GRDG
 I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED
 IN ACCORDANCE WITH THE PROFESSIONAL STANDARDS AND
 ETHICS OF A REGISTERED SURVEYOR AND IN ACCORDANCE
 WITH THE LAWS OF THE STATE OF MINNESOTA.
 FRANK R. CARDARELLI, REG. NO. 6508