

REPORT / RECOMMENDATION



To: MAYOR AND COUNCIL

Agenda Item #: VI.C.

From: Cary Teague, Community Development Director

Action

Discussion

Information

Date: May 7, 2013

Subject: PUBLIC HEARING – Preliminary Plat Approval, 3909 West 49 1/2 Street, Frank Holdings LLC/Spalon Montage, Resolution No. 2013-43

Action Requested:

Adopt the attached resolution.

Information / Background:

Spalon Montage is requesting to divide their property at 4936 France Avenue back into two lots for the purpose of potentially selling the new lot in the future. No new building is proposed at this time. The existing property and buildings would remain the same. This property was originally platted as two lots. The applicant combined them a few years ago, but is now requesting to divide them back per the original plat. (See the proposed subdivision and original plat on pages A8–A11 of the Planning Commission Staff Report.)

Planning Commission Recommendation: On April 10, 2013, the Planning Commission unanimously recommended approval of the Subdivision.

ATTACHMENTS:

- Resolution No. 2012-43
- Draft minutes from the April 10, 2013 Edina Planning Commission meeting
- Planning Commission Staff Report, April 10, 2013



**RESOLUTION NO. 2013-43
APPROVING A SUBDIVISION OF
4936 FRANCE AVENUE**

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

Section 1. BACKGROUND.

1.01 Spalon Montage is requesting to divide their property at 4936 France Avenue back into two lots. No site improvements are planned at this time.

1.02 The following described tract of land is requested to be divided:

All of Lots 25, Lot 29 except the South 3 feet of said Lot 29, and the East 1 foot of the North 147 feet of Lot 30, Auditor's Subdivision No. 172, according to the recorded plat thereof, all located in the County of Hennepin, State of Minnesota and the North 37 feet of Lot 24, Auditors Subdivision No. 172, except the North 7.5 feet thereof, Hennepin County, Minnesota.

1.03 The owner of the described land desires to subdivide said tract in to the following described new and separate parcels (herein called "parcels") described as follows:

Parcel A

All of Lots 25, Lot 29 except the South 3 feet of said Lot 29, and the East 1 foot of the North 147 feet of Lot 30, Auditor's Subdivision No. 172, according to the recorded plat thereof, all located in the County of Hennepin, State of Minnesota.

Parcel B

The North 37 feet of Lot 24, Auditors Subdivision No. 172, except the North 7.5 feet thereof, Hennepin County, Minnesota.

1.04 The proposed Subdivision simply reestablishes the original plat.

1.05 On April 10, 2013, the Planning Commission approved the proposal on a Vote of 8-0.

Section 2. FINDINGS

2.01 Approval is based on the following findings:

1. The lots were original platted as proposed.
2. There are no immediate requests for changes in use of the property or existing buildings.

CITY OF EDINA

Section 3. APPROVAL

NOW THEREFORE, it is hereby resolved by the City Council of the City of Edina, approves the Subdivision to reestablish the original plat for 4936 France Avenue.

Adopted this 7th day of May, 2013.

ATTEST: _____
Debra A. Mangen, City Clerk

James B. Hovland, Mayor

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

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina do hereby certify that the attached and foregoing Resolution was duly adopted by the Edina City Council at its Regular Meeting of May 7, 2013, and as recorded in the Minutes of said Regular Meeting.

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

City Clerk

Planner Presentation

Planner Teague informed the Commission Spalon Montage is requesting to divide their property at 4936 France Avenue back into two lots for the purpose of potentially selling the new lot in the future. No new building is proposed at this time. Teague explained that the existing property and buildings would remain the same. This property was originally platted as two lots. The applicant combined them a few years ago, but is now requesting to divide them back per the original plat. The specific request is for a Preliminary and Final Plat to divide the property.

Planner Teague concluded that staff recommends that the City Council approve the Subdivision for Spalon Montage to divide their property at 4936 France Avenue back into two lots subject to the following findings: 1. The lots were original platted as proposed. 2. There are no immediate requests for changes in use of the property or existing buildings.

Discussion

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

Commissioner Carpenter stated this seems like a reasonable request, adding the request if approved restores the original plat.

Motion

Commissioner Forrest moved preliminary plat approval based on staff findings and subject to the conditions. Commissioner Potts seconded the motion. All voted aye; motion carried. 8-0

B. Variance. City of Edina. 7335 York Avenue, Edina, MN

Planner Presentation

Planner Teague told the Commission the City of Edina is requesting a setback variance to construct a parking lot extension from the Southdale YMCA property onto the city owned Yorktown Park property for the purposes of providing parking for a proposed Pilot Community Garden Project to be located within the park. The ordinance requires a 10-foot setback from an interior lot line for parking stalls and drive aisles. The purpose of the variance is to allow a shared use parking lot extension for both the YMCA and Yorktown Park to accommodate users of the new community garden and to benefit the YMCA for their over-flow parking needs.

Teague explained that the proposed extension would provide a net gain of 29 additional parking stalls with reserved spots for gardeners. Currently there is no parking provided on site for the park. A parking



PLANNING COMMISSION STAFF REPORT

| | | |
|--|--|--------------------------------|
| Originator Cary Teague Community Development Director | Meeting Date April 10, 2013 | Agenda # VI.A |
|--|--|--------------------------------|

INFORMATION/BACKGROUND

Project Description

Spalon Montage is requesting to divide their property at 4936 France Avenue back into two lots for the purpose of potentially selling the new lot in the future. No new building is proposed at this time. (See property location on pages A1–A4.)

The existing property and buildings would remain the same. (See pages A5–A7.) This property was originally platted as two lots. The applicant combined them a few years ago, but is now requesting to divide them back per the original plat. (See the proposed subdivision and original plat on pages A8–A11.) The specific request is for a Preliminary and Final Plat to divide the property.

SUPPORTING INFORMATION

Surrounding Land Uses

- Northerly: Walgreens; zoned PCD-2, Planned Commercial District and guided Neighborhood Commercial.
- Easterly: Retail space located in the City of Minneapolis.
- Southerly: Retail space on France Avenue; zoned PCD-2, Planned Commercial District and guided Neighborhood Commercial.
- Westerly: The 50th & France Municipal Parking ramp.

Existing Site Features

The subject property is 15,523 acres in size and contains the Spalon Montage salon and a single-family home that use used as retail space, including Spalon Montage. (See pages A4–A7.)

Planning

Guide Plan designation: Neighborhood Commercial
Zoning: PCD-2, Planned Commercial District -2

Utilities/Easements

The city engineer has reviewed the proposed plat and found it to be acceptable. No additional easements or right-of-way would be needed.

Preliminary Plat

Per Section 810.11. Subd. 1, in consideration of Plats and Subdivisions the Planning Commission and City Council may consider the following:

- A. *The impact of the proposed plat or subdivision, and proposed development, on the character and symmetry of the neighborhood as evidenced and indicated by, but not limited to, the following matters:*
 - 1. *The suitability to the size and shape of the lots in the proposed plat or subdivision relative to the size and shape of lots in the neighborhood; and*
 - 2. *The compatibility of the size, shape, location and arrangement of the lots in the proposed plat or subdivision with the proposed density and intended use of the site and the density and use of lots in the neighborhood.*
- B. *The impact of the proposed plat or subdivision, and proposed development, on the environment, including but not limited to, topography, steep slopes, vegetation, naturally occurring lakes, ponds and streams, susceptibility of the site to erosion and sedimentation, susceptibility of the site to flooding and water storage needs on and from the site.*
- C. *The consistency of the proposed plat or subdivision, and proposed development, and compliance by the proposed plat or subdivision, and the proposed development, with the policies, objectives, and goals of the Comprehensive Plan.*
- D. *The compliance of the proposed plat or subdivision, and the proposed development with the policies, objectives, goals and requirements of Section 850 of this Code including, without limitation, the lot size provisions and the Floodplain Overlay District provisions of Section 850 of this Code.*

- E. *The impact of the proposed plat or subdivision, and proposed development on the health, safety and general welfare of the public.*
- F. *The relationship of the design of the site, or the improvements proposed and the conflict of such design or improvements, with any easements of record or on the ground.*
- G. *The relationship of lots in the proposed plat or subdivision to existing streets and the adequacy and safety of ingress to and egress from such lots from and to existing streets.*
- H. *The adequacy of streets in the proposed plat or subdivision, and the conformity with existing and planned streets and highways in surrounding areas. Streets in the proposed plat or subdivision shall be deemed inadequate if designed or located so as to prevent or deny public street access to adjoining properties, it being the policy of the City to avoid landlocked tracts, parcels or lots.*
- I. *The suitability of street grades in relation to the grades of lots and existing or future extension of the City's water, storm and sanitary sewer systems.*
- J. *The adequacy and availability of access by police, fire, ambulance and other life safety vehicles to all proposed improvements to be developed on the proposed plat or subdivision.*
- K. *Whether the physical characteristics of the property, including, without limitation, topography, vegetation, susceptibility to erosion or siltation, susceptibility to flooding, use as a natural recovery and ponding area for storm water, and potential disturbance of slopes with a grade of 18 percent or more, are such that the property is not suitable for the type of development or use proposed.*
- L. *Whether development within the proposed plat or subdivision will cause the disturbance of more than 25 percent of the total area in such plat or subdivision containing slopes exceeding 18 percent.*
- M. *Whether the proposed plat or subdivision, or the improvements proposed to be placed thereon are likely to cause substantial environmental damage.*

The proposed subdivision is simply reestablishing the original plat. There would be no change to the existing uses or buildings on the site. The above criteria is met.

STAFF RECOMMENDATION

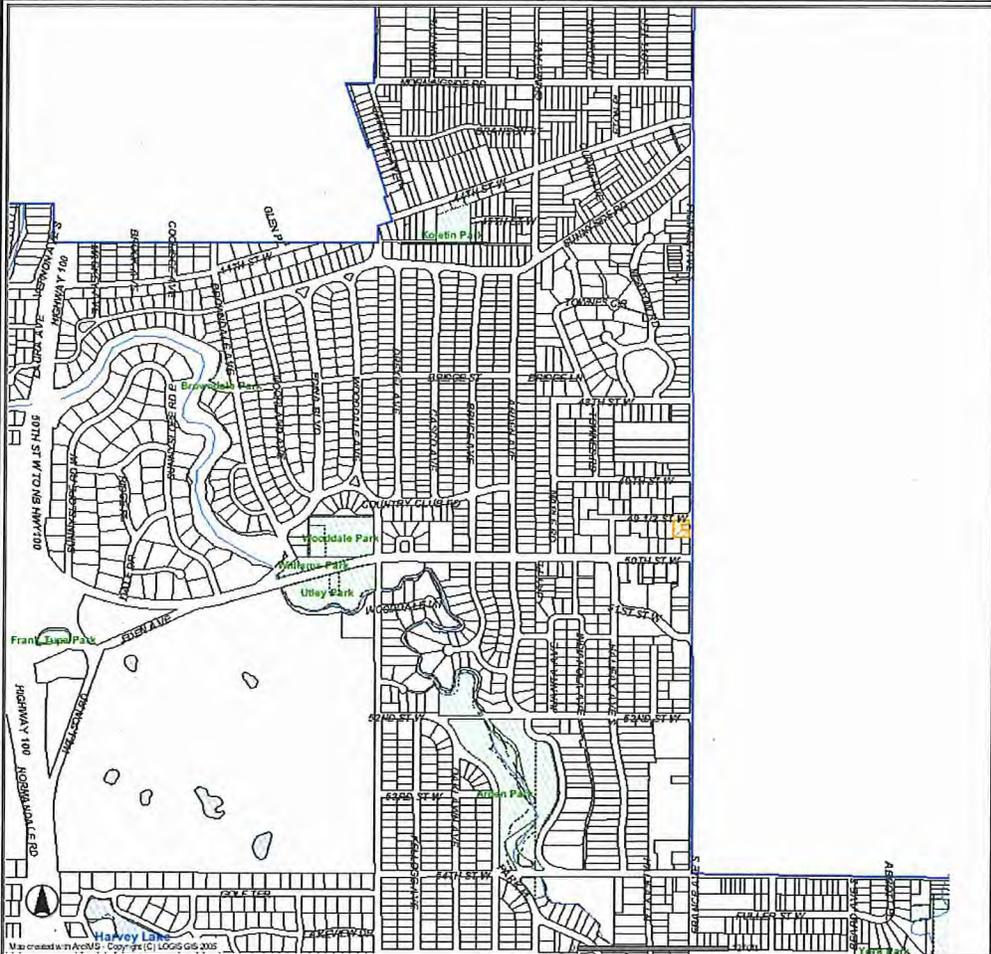
Recommend that the City Council approve the Subdivision for Spalon Montage to divide their property at 4936 France Avenue back into two lots.

Approval is subject to the following findings:

1. The lots were original platted as proposed.
2. There are no immediate requests for changes in use of the property or existing buildings.

Deadline for a city decision: May 15, 2013

City of Edina



- Legend**
- Highlighted Feature
 - Street Name Labels
 - City Limits
 - Creeks
 - Lake Names
 - Lakes
 - Parks
 - Parcels



PID: 1802824140129

4936 France Ave S
Edina, MN 55410



City of Edina



- Legend**
- Highlighted Feature
 - Surrounding House Number Labels
 - House Number Labels
 - Street Name Labels
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PID: 1802824140129

4936 France Ave S
Edina, MN 55410



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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
- 2012 Aerial Photo

Map created with ArcGIS. Copyright (C) LOGS GIS 2005



PID: 1802824140129

**4936 France Ave S
Edina, MN 55410**



Property

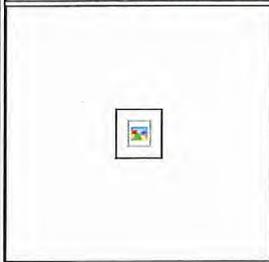
PID: 1802824140129
County: 4936 FRANCE AVE S

A3

City of Edina



- Legend**
- Surrounding House Number Labels
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 - Parcels
 - 2012 Aerial Photo



PID: 1802824140129

**4936 France Ave S
Edina, MN 55410**



Property

PID: 1802824140129
County: 4936 FRANCE AVE S

A4

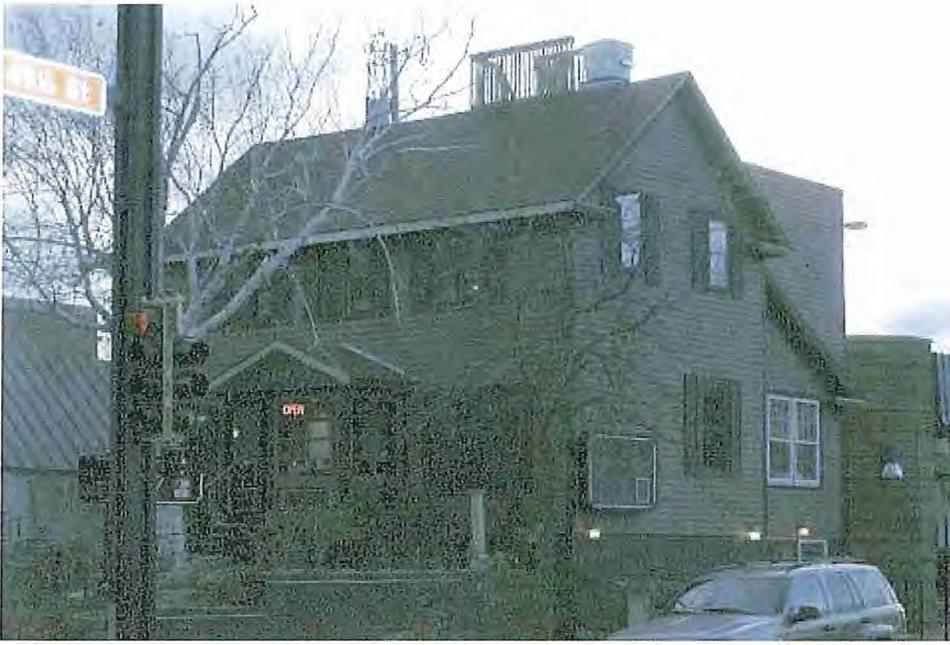


A5



**LOT TO BE
DIVIDED**

A6



**LOT TO BE
DIVIDED**

A7

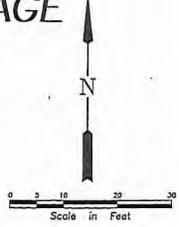
PROPOSED LOTS



Lot Division Survey for: SPALON MONTAGE

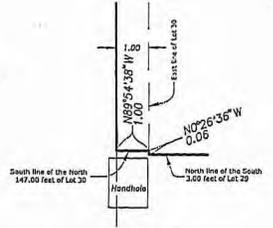
NOTES

- Bearings shown are based on an assumed datum.
- Utilities shown are from information furnished by the City of Edina in response to Gopher State One Call Ticket Numbers 130720396 and 130720403 and are verified where possible.
- Contact Gopher State 1 for utility locations before any construction shall begin. Phone 651-454-0002.
- Areas: 16,026 square feet (0.37 acre) including street. 15,524 square feet (0.36 acre) excluding street.
- Zoning: PCD-2 (Planned Commercial District - 2).
- This property is located in Flood Zone X (area outside .2% annual chance flood plane) per Flood Insurance Rate Map No. 27053C0362E dated September 2, 2004.
- Due to snow and ice conditions all improvements are not visible and therefore are not shown.



LEGEND

- S- Sanitary Sewer
- ST- Storm Sewer
- W- Watermain
- Hyd. Hydrant
- GV Gate Valve
- PV Post Indicator Valve
- MH Manhole
- CB Catch Basin
- CO Cleanout
- PP Power Pole
- LP Light Pole
- ET Electrical Transformer
- CS Concrete Surface
- BS Bituminous Surface
- BP Brick Paver Surface



DETAIL

EXISTING PROPERTY DESCRIPTION

All of Lots 25, Lot 29 except the South 3 feet of said Lot 29, and the East 1 foot of the North 147 feet of Lot 30, Auditor's Subdivision No. 172, according to the recorded plat thereof, all located in the County of Hennepin, State of Minnesota, and

The North 37 feet of Lot 24, Auditor's Subdivision No. 172, except the North 7.5 feet thereof, Hennepin County, Minnesota.

PARCEL A DESCRIPTION

All of Lots 25, Lot 29 except the South 3 feet of said Lot 29, and the East 1 foot of the North 147 feet of Lot 30, Auditor's Subdivision No. 172, according to the recorded plat thereof, all located in the County of Hennepin, State of Minnesota.

PARCEL B DESCRIPTION

The North 37 feet of Lot 24, Auditor's Subdivision No. 172, except the North 7.5 feet thereof, Hennepin County, Minnesota.

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

Dated this 14th day of March, 2013.

REHDER & ASSOCIATES, INC.

Thomas J. Adair, Land Surveyor
Minnesota License No. 49454

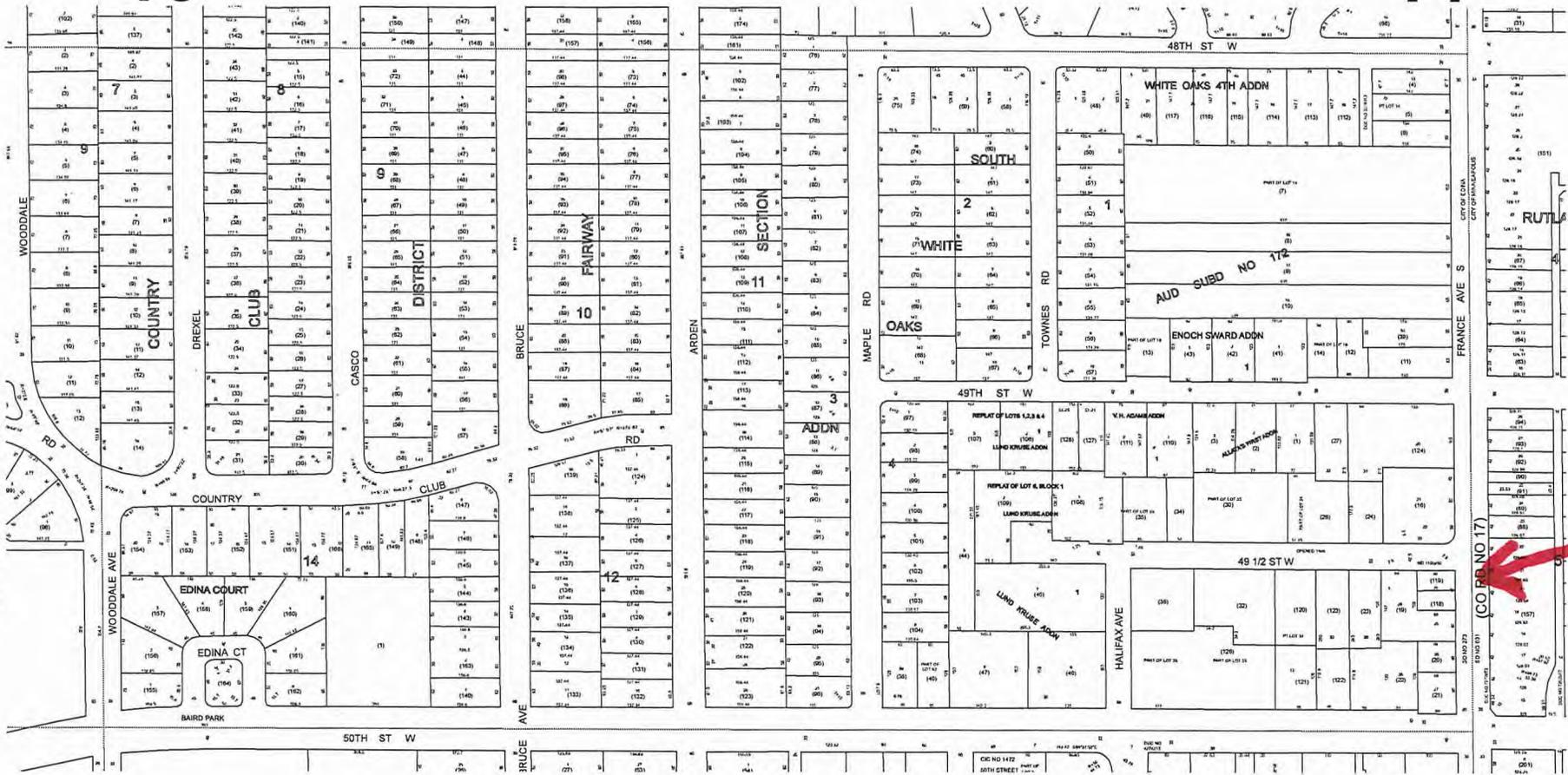
REHDER & ASSOCIATES, INC.
MAR 15 2013
CITY OF EDINA
Staff

Rehder and Associates, Inc.
CIVIL ENGINEERS AND LAND SURVEYORS
2440 Federal Drive • Suite 110 • Eden Prairie, Minnesota • Phone (952) 452-5051

13

S 1/2 of NE 1/4 SEC 18 T.028 R.24

14



ADD

(CO. PD. NO. 17)

This is not a legally recorded map. It represents a compilation of information and data from city, county and other sources.

S 1/2 of NE 1/4 SEC 18 T.028 R.24

| | | | |
|--------|--------|--------|--|
| N/NW28 | N/NW18 | N/NE18 | |
| S/NW28 | S/NW18 | S/NE18 | |
| N/SW28 | N/SW18 | N/SE18 | |
| S/SW28 | | | |

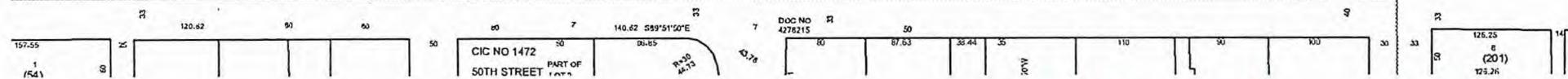
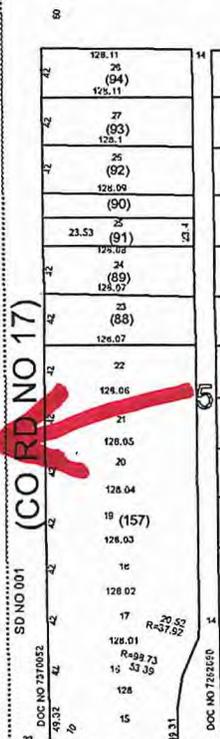
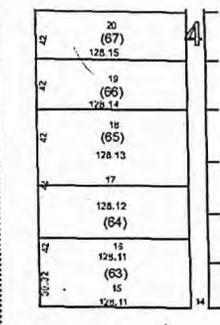
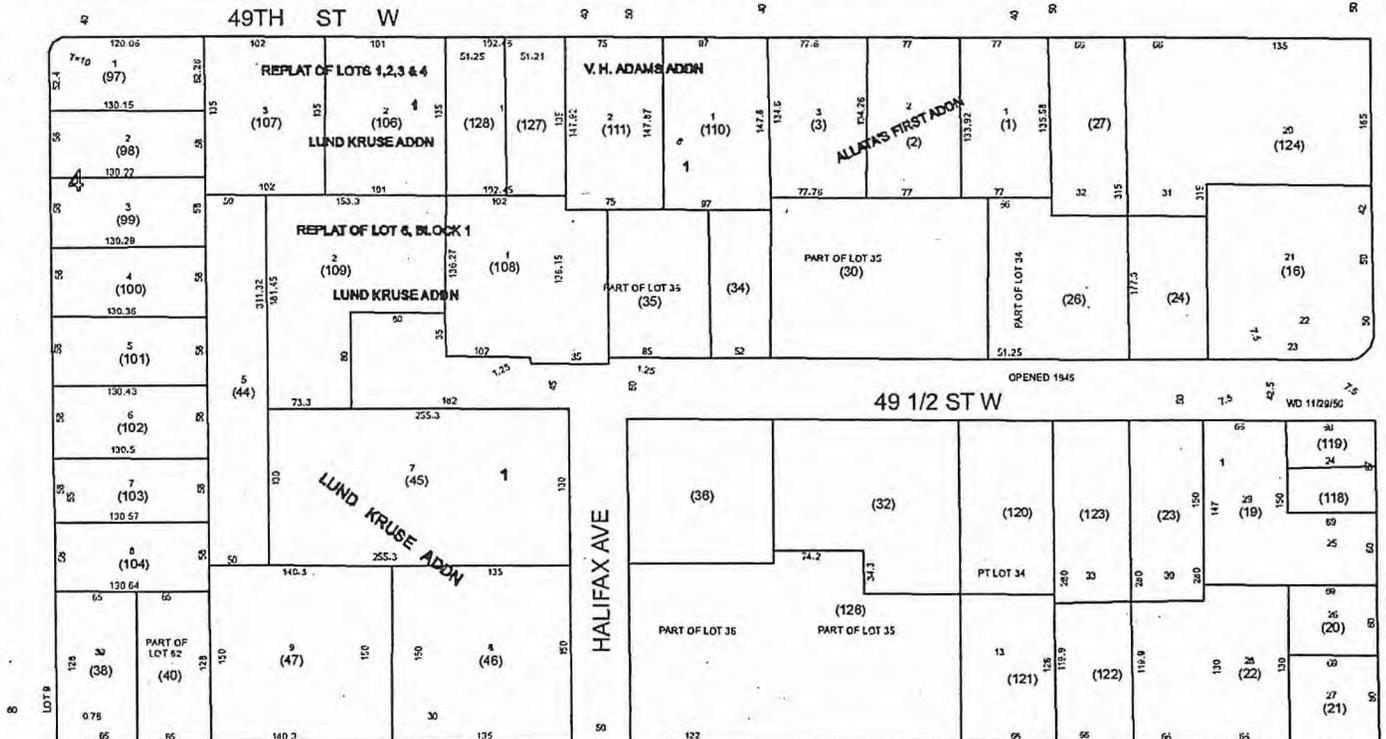
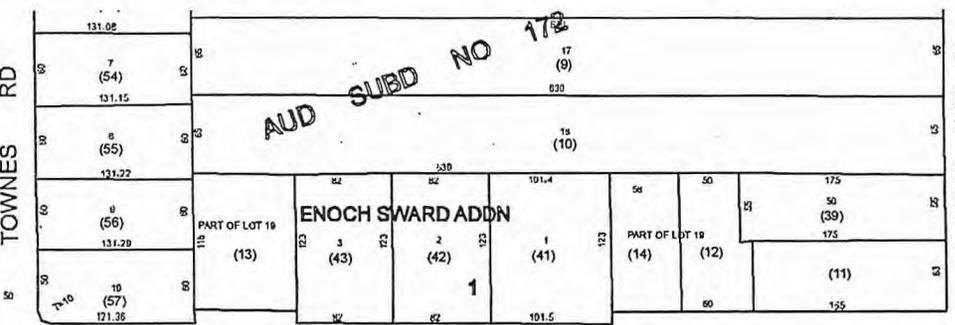
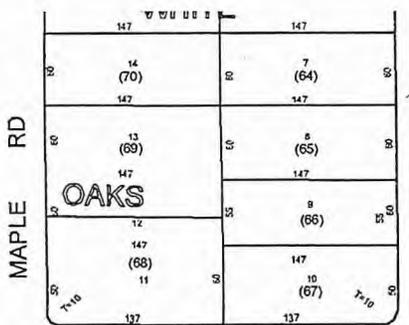
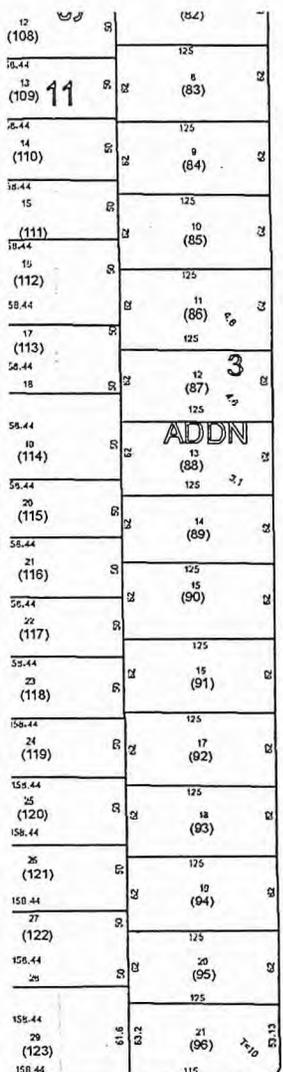
Eight/Quarter/Section

0 200 400 Feet



Prepared by the City of Edina, MN, Original base data supplied by Hennepin Co., MN.

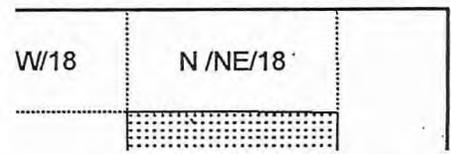
ORIGINAL PLAT



11

ORIGINAL PLAT

1/4 SEC 18 T.028 R.24



Prepared by the City of Edina, MN,
Original base data supplied by Hennepin Co., MN.