REPORT / RECOMMENDATION

To: MAYOR AND COUNCIL

Agenda Item #: VI.B.

From: Cary Teague, Community Development Director

Action ☒
Discussion ☒
Information ☐

Date: July 7, 2015

Subject: PUBLIC HEARING – Rezoning from R-1, to R-2 with Lot Area and Width Variances, Mathias Mortenson; 3923 49th Street. Ordinance No. 2015-09 and Resolution No. 2015-68.

Action Requested:

Staff and Planning Commission Recommendation:

Waive second reading and adopt Resolution No. 2015-68 and Ordinance 2015-09 approving the Rezoning to R-2, Double Dwelling Units District with Lot Area and Width Variances.

Information/Background:
(Deadline for a City Council Decision – September 1, 2015)
Mathias Mortenson is requesting a rezoning from R-1, Single Dwelling Unit District to R-2, Double Dwelling Unit District to tear down the existing single-family home and construct a new 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. To accommodate the request the applicant is requesting the following:

- 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;

The applicant made a similar request in 2014 that was denied by the City Council. The denial of that rezoning centered on the variances associated with the size of the structure proposed. (See attached minutes on pages A36-A42 of the Planning Commission staff report.) The previous request included variances for building coverage and side yard setback requirements. The building coverage variance was from 25% to 32%, and the side yard setback variance from 10 feet to 5 feet 10 inches on the east side. There also were retaining wall setback variances proposed.

The applicant has revised the plans so that <u>there are no variances associated with the proposed structure; the request is now only for the rezoning of property and the lot area and width requirements.</u> The applicant has hired a professional engineer do the grading, stormwater management and erosion control plan.

ATTACHMENTS:

- Resolution No. 2015-68 & Ordinance 2015-09
- Planning Commission minutes, June 10, 2015
- Planning Commission staff report dated June 10, 2015

RESOLUTION NO. 2015-68
APPROVING A REZONING FROM R-1 TO R-2 WITH; LOT AREA AND WIDTH VARAINCES AT 3923 49TH STREET

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

Section 1. BACKGROUND.

1.01 Mathias Mortenson is proposing to tear down a single-family home and construct a new double dwelling unit at 3923 49th Street. The property is legally described as follows:

Lot 32, Auditor's Subd. No. 172

1.02 To accommodate the request, the following land use applications are requested:

1. A Preliminary Rezoning from R-1, Single Dwelling Unit District to R-2, Double Dwelling Unit District;
2. Lot Area Variance from 15,000 s.f. to 8,816 s.f.;
3. Lot Width Variance from 90 feet to 65 feet;

1.04 On June 10, 2015 the Planning Commission held a public hearing and recommended approval of the requested rezoning and variances. Vote: 8 Ayes and 1 Nay.

1.05 On July 7, 2014, the City Council held a public hearing and considered the request.

Section 2. FINDINGS

2.01 The proposal is consistent with the Comprehensive Plan. The Plan guides this site for low density attached residential which is described as "two-family and attached dwellings of low densities and moderate heights. This category recognizes the historical role of these housing types as transitional districts between single-family residential areas and major thoroughfares or commercial districts." The proposed rezoning precisely fits this category.

2.02 The rezoning criteria per Section 36-216 of the City Code is found to be met.

3. The proposed use would fit in to the neighborhood. This neighborhood consists of both single-family and two-family dwellings; however, two dwelling units are the predominant uses on this block.

4. The findings for variance regarding the lot area and width are found to be met as follows:

   a. The practical difficulty is caused by the location of the existing home adjacent to a duplex to the west, and apartment building to the east, and commercial property to the south. This is site is better fitted as a transitional zone (duplex) between commercial property to the south and single family homes to the north. It is reasonable for this site to function as a transitional area.

   b. The circumstance of the undersized lot is not unique to this neighborhood. There are several undersized R-2 lots on this block. These circumstances however are unique in regard to other R-2 property in Edina.

   c. The variance will not alter the essential character of the neighborhood.

Section 3. APPROVAL

NOW THEREFORE, it is hereby resolved by the City Council of the City of Edina, approves the Rezoning and Lot Area and Width Variances at 3923 49th Street.

Approval is subject to the following Conditions:

1. Any new structure on this property shall conform to the minimum Zoning Ordinance requirements of R-2 Zoning District.

2. Compliance with all of the conditions outlined in the director of engineering's memo dated June 3, 2015.

3. Any new duplex structure would be required to be installed with a fire sprinkler system, per the state building code.

Adopted by the city council of the City of Edina, Minnesota, on July 7, 2015.

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 July 7, 2015, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this ____ day of _____, 2015.

_____
City Clerk

ORDINANCE NO. 2015-09

AN ORDINANCE REZONING 3923 49TH STREET FROM R-1, SINGLE DWELLING UNIT DISTRICT TO R-2, TWO-DWELLING UNIT DISTRICT

The City Of Edina Ordains:

Section 1.
The subject property is hereby rezoned from R-1, Single Dwelling Unit District to R-2, Two Dwelling Unit District based on the following findings:

1. The proposal is consistent with the Comprehensive Plan. The Plan guides this site for low density attached residential which is described as "two-family and attached dwellings of low densities and moderate heights. This category recognizes the historical role of these housing types as transitional districts between single-family residential areas and major thoroughfares or commercial districts." The proposed rezoning precisely fits this category.

2. The rezoning criteria per Section 36-216 of the City Code is found to be met.

3. The proposed use would fit in to the neighborhood. This neighborhood consists of both single-family and two-family dwellings; however, two dwelling units are the predominant uses on this block.

Section 2.
The subject property is legally described as follows:

Lot 32, Auditor's Subd. No. 172.

Section 3.
The official zoning map of the City of Edina referred to and described in Section 36.402 of the Edina City Code shall not be republished to show the aforesaid rezoning, but the zoning map on file in the City Clerk's office shall be appropriately marked for the purpose of indicating the rezoning provided for in this ordinance.

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

First Reading:

Second Reading:

Published:

ATTEST:

_____ _____

Debra A. Mangen, City Clerk **James B. Hovland, Mayor**

Please publishing in the Edina Sun Current on

Send two affidavits of publication

Bill to Edina City Clerk

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina do hereby certify that the attached and foregoing Ordinance was duly adopted by the Edina City Council at its Regular Meeting of _____, 2015, and as recorded in the Minutes of said Regular Meeting

WITNESS my hand and seal of said City this _____ day of _____, 2015

_____
City Clerk

front yard setbacks if the adjacent house faces that side street. Aaker concluded that the intent of the Code was to maintain the streetscape.

Applicant Presentation

Mr. Busyn reported that he held a neighborhood meeting to inform neighbors of their intent to tear down the existing home and construct a new home. Busyn said that the plan for the new home allows for the creation of more functional rear yards for the three adjoining properties. He also noted that currently the site is in disrepair and will be "cleaned up". Continuing, Busyn said the new house would conform to the Tree Ordinance.

Chair Platteter asked Mr. Busyn if he worked with the adjoining neighbor on the existing retaining wall and driveway. Busyn responded in the affirmative. He added he is in contact with that neighbor and is keeping him "in the loop" on the drainage and landscaping plans.

Public Comment

Mr. Cobb, 5117 Wooddale Glen was present representing himself and property owners at 5119 Wooddale Glen and 5113 Wooddale Avenue. Cobb addressed the Commission and informed them he supports the project as submitted and is pleased with the density of house and overall look of the project. He further added the plans as submitted will "clean up" this corner and will enhance not only the site but the entire neighborhood.

Commissioner Thorsen moved to close the public hearing. Commissioner Olson seconded the motion; all voted aye; motion carried.

Motion

Commissioner Forrest moved variance approval based on staff findings and subject to staff conditions including capping the building height at 32-feet, adding an additional suggestion that every effort is made to save the large Oak tree. Commissioner Olsen seconded the motion. All voted aye; motion carried.

P.C. 6/10/15

B. Rezoning with Variances. M. Mortenson. 3923 49th St West, Edina, MN

Planner Presentation

Planner Teague informed the Commission Mathias Mortenson is requesting a rezoning from R-1, Single Dwelling Unit District to R-2, Double Dwelling Unit District to tear down the existing single-family home and construct a new 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. To accommodate the request the applicant is requesting the following:

- 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;

Teague reminded the Commission the applicant made a similar request in 2014 that was denied by the City Council. The denial of that rezoning centered on the variances associated with the size of the structure proposed. The planning commission recommended approval of the rezoning of the property from R-1 to R-2. The previous request included variances for building coverage and side yard setback requirements. The building coverage variance was from 25% to 32%, and the side yard setback variance from 10 feet to 5 feet 10 inches on the east side. There also were retaining wall setback variances proposed.

Teague reported that the applicant has revised the plans so that there are no variances associated with the proposed structure; the request is now only for the rezoning of property and the lot area and width requirements. The applicant has hired a professional engineer do the grading, stormwater management and erosion control plan.

Planner Teague concluded that staff recommends that the City Council approve the proposed Rezoning and lot area and width variances at 3923 49th Street. Approval is based on the following findings:

1. The proposal is consistent with the Comprehensive Plan. The Plan guides this site for low density attached residential which is described as "two-family and attached dwellings of low densities and moderate heights. This category recognizes the historical role of these housing types as transitional districts between single-family residential areas and major thoroughfares or commercial districts." The proposed rezoning precisely fits this category.
2. The proposed use would fit in to the neighborhood. This neighborhood consists of both single-family and two-family dwellings; however, two dwelling units are the predominant uses on this block.

Approval is also subject to the following Conditions:

1. Any new structure on this property shall conform to the minimum Zoning Ordinance requirements of R-2 Zoning District.
2. Compliance with all of the conditions outlined in the director of engineering's memo dated June 3, 2015.
3. Any new duplex structure would be required to be installed with a fire sprinkler system, per the state building code.

Appearing for the Applicant

Mathias Mortenson, applicant

Discussion

Commissioner Thorsen asked Planner Teague if there are other similar "areas" in Edina. Planner Teague responded in the affirmative. He noted there is a similar pocket on West 54th Street that's a mixture of single and double dwelling units, adding there are other similar pockets throughout the City.

Commissioner Lee questioned lot coverage. Planner Teague responded that lot coverage is at 25%.

Applicant Presentation

Mr. Mortenson addressed the Commission and reported since his last appearance before the Commission he revised his plans and eliminated the need for variances as per concerns raised by the Commission. Mortenson said most of the concerns expressed by the Commission centered on the size of the proposed structure and the variances needed to build the structure. Mortenson stated he revised the plans and reduced the size of the structure eliminating the variances. Continuing, Mortenson said his goal in redeveloping this property was to provide a housing type absent from the city's housing stock, one that accommodates the needs of an aging population in place. Concluding, Mortenson further reported that his project aims to be constructed at the highest standards of sustainability.

Commissioner Forrest questioned if with the revisions light access continues to be available for the proposed solar panels. Mr. Mortenson responded in the affirmative. Forrest further commented that she was a little concerned that the proposed "caregiver space" could become separate living quarters.

Planner Teague responded the request is for two (2) dwelling units; not four (4), adding the caregiver space does not contain a kitchen and would not be considered another dwelling. Forrest asked Mr. Mortenson if that was understood. Mortenson said he has no problem with two units; adding that was his intention and what's proposed.

Commissioner Lee commented that in her opinion when she viewed the plans she thought the interior clearance may not meet ADA standards. She further questioned building height. Mr. Mortenson acknowledged it did take him some time to revise the plans reducing the square footage; however, it was accomplished and the schematic does meet ADA standards. With regard to building height, the previous roof was a gable; the present roof is a hip. Concluding, Lee questioned drainage. Mortenson responded that the site will drain to the respective rain gardens.

Public Testimony

Chair Platteter opened the public hearing.

Jim Stromberg, 3930 49th Street West expressed his support for the project. He said one of the reasons he moved into this neighborhood was because of the mixed housing opportunities.

Chair Platteter asked if anyone else would like to speak to the issue; being none, Commissioner Carr moved to close the public hearing. Commissioner Thorsen seconded the motion. All voted aye; motion carried.

Discussion

Commissioner Carr complimented the applicant on listening to Commission comments by eliminating the variances for the structure, adding sustainability and addressing the need for this type of housing unit is a plus for the City of Edina

A discussion ensued with Commissioners acknowledging the changes to the plans that reduced building size; thereby eliminating the need for structure variances was a positive step. It was further acknowledged that the variances required for the rezoning were reasonable noting that the majority of doubles in this neighborhood are beneath the minimum standard square footage (15,000 sq. ft.) for a double dwelling unit. Sustainability was also a huge plus; however, Commissioners did further reiterate for the applicant that the subject site is two units only.

Motion

Commissioner Nemerov moved to approve the request for rezoning subject to staff findings and staff conditions. Commissioner Thorsen seconded the motion.

Commissioner Lee thanked the neighbor for his comment; however, indicated that as proposed she can't support the request; it's just too much for the site in her opinion

Commissioner Forrest stated she supports the project as presented, adding the revision to one driveway; not two as previously proposed was beneficial

Chair Platteter commented that he too can support the rezoning; adding Edina could use more of this type of housing.

Chair Platteter called the vote. Ayes; Hobbs, Thorsen, Strauss, Olsen, Nemerov, Carr, Forrest, Platteter. Nay; Lee. Motion carried.

VII. REPORTS AND RECOMMENDATIONS

A. Consideration of Development Principles for the Southdale France Avenue Area

Planner Teague reported that members of the Southdale France Avenue Area Working Group are present this evening to introduce to the Commission their "guiding principles" for the area.

PLANNING COMMISSION STAFF REPORT

Originator	Meeting Date	Agenda #
Cary Teague **Community Development Director**	**June 10, 2015**	**VI.B.**

INFORMATION/BACKGROUND

Project Description

Mathias Mortenson is requesting a rezoning from R-1, Single Dwelling Unit District to R-2, Double Dwelling Unit District to tear down the existing 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-A33.) 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:

- 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;

The applicant made a similar request in 2014 that was denied by the City Council. The denial of that rezoning centered on the variances associated with the size of the structure proposed. (See attached minutes on pages A36-A42.) The planning commission recommended approval of the rezoning of the property from R-1 to R-2. (See pages A36-A40.) The previous request included variances for building coverage and side yard setback requirements. The building coverage variance was from 25% to 32%, and the side yard setback variance from 10 feet to 5 feet 10 inches on the east side. There also were retaining wall setback variances proposed.

The applicant has revised the plans so that <u>there are no variances associated with the proposed structure; the request is now only for the rezoning of property and the lot area and width requirements.</u> The applicant has hired a professional engineer do the grading, stormwater management and erosion control plan.

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 A31.)

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 does have some concern in regard to drainage in the driveway and window well. (See condition #3 on page A35 of the engineering memo.) These areas should include either positive grade away from the foundation or be connect to drainage system that drains away. Approval of this request would be conditioned on meeting the conditions in the engineering memo. This is also a building code requirement to be addressed at the time of building permit. (See page A43.)

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 A20.) Should the applications be approved, a condition should be included that these not become separate dwelling units.

Compliance Table

	City Standard (R-2)	Proposed
Building Setbacks Front Side Side Rear	 30 feet 10 feet 10 feet 35 feet	 35 feet structure 30 feet patio 13 feet 12 feet 36 feet
Lot Width	90 feet	***65 feet****
Lot Area	15,000 square feet	***8,816 square feet****
Building Height	30 feet	27 feet
Building Coverage	25%	25%

****Variance Required***

Rezoning

Per Section 36-216 of the City Code, the commission may recommend approval by the council based upon, but not limited to, the following factors:

(1) Is consistent with the comprehensive plan.

The Comprehensive Plan guides this site for low density attached residential which is described as "two-family and attached dwellings of low densities and moderate heights. This category recognizes the historical role of these housing types as transitional districts between single-family residential areas and major thoroughfares or commercial districts."

The proposed rezoning precisely fits this category.

(2) Will not be detrimental to properties surrounding the tract.

The proposed use is consistent with the duplexes that exist on this block.

(3) Will not result in an overly intensive land use.

Again, this use is allowed in the Comprehensive Plan, and exists on adjacent property.

(4) Will not result in undue traffic congestion or traffic hazards.

The increase of one housing unit would not result in traffic congestion or traffic hazards.

(5) Conforms to the provisions of this section and other applicable provisions of this Code.

Any new structure would conform to the minimum zoning ordinance standards of the R-2 Zoning Districts. The provisions that to not meet code, are the existing lot area and width.

(6) Provides a proper relationship between the proposed improvements, existing structures, open space and natural features.

The site provides a proper transition in land use from the commercial district to the south to the single family homes to the north. There are no open spaces or natural features in the immediate area.

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. As highlighted above, the criteria per Section 36-216 of the City Code, when considering a rezoning, is found to be met.

2. The proposed use would fit in to the neighborhood. This neighborhood consists of both single-family and two-family dwellings. (See pages A4 and A23-A33.) Two dwelling units are the predominant uses on this block.

3. 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.

4. The Planning Commission and City Council found that the rezoning of the site was reasonable during the review of a similar request for this site in 2014. (See minutes on pages A36-A40.)

- **Are the proposed lot size variances reasonable for this site?**

Yes. Staff believes that the proposed Variances are reasonable for the site for the following reasons:

1. Duplexes are common on this block. The majority of the block consists of property zoned R-2. (See page A4.) The adjacent property to the west is a duplex zoned R-2, and the property to east is an apartment building zoned PRD-4, Multi-Family Residential.

2. While the lot is small, so are all the other lots that are zoned R-2. There is not one lot on 49th that meets the minimum 15,000 square foot lot size.

3. The variance criteria are 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?*

      Yes. 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 location of the existing home adjacent to a duplex to the west, and apartment building to the east, and commercial property to the south. This is site is better fitted as a transitional zone (duplex) between commercial property to the south and single family homes to the north. It is reasonable for this site to function as that transitional area.

   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-2 lots on this block. (See page 34.) These circumstances however are unique in regard to other R-2 property in Edina.

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

      No. The proposed structure meets the zoning regulations of the R-2 District, and duplexes are common on the south side of the street.

Staff Recommendation

Recommend that the City Council approve the proposed Rezoning and lot area and width variances at 3923 49th Street. Approval is based on the following findings:

Approval is subject to the following findings:

1. The proposal is consistent with the Comprehensive Plan. The Plan guides this site for low density attached residential which is described as "two-family and attached dwellings of low densities and moderate heights. This category recognizes the historical role of these housing types as transitional districts between single-family residential areas and major thoroughfares or commercial districts." The proposed rezoning precisely fits this category.

2. As highlighted on pages 3-4 of the Planning Commission staff report, the rezoning criteria per Section 36-216 of the City Code is found to be met.

3. The proposed use would fit in to the neighborhood. This neighborhood consists of both single-family and two-family dwellings; however, two dwelling units are the predominant uses on this block.

4. The findings for variance regarding the lot area and width are found to be met as follows:

    a. The practical difficulty is caused by the location of the existing home adjacent to a duplex to the west, and apartment building to the east, and commercial property to the south. This is site is better fitted as a transitional zone (duplex) between commercial property to the south and single family homes to the north. It is reasonable for this site to function as a transitional area.

    b. The circumstance of the undersized lot is not unique to this neighborhood. There are several undersized R-2 lots on this block. These circumstances however are unique in regard to other R-2 property in Edina.

    c. The variance will not alter the essential character of the neighborhood.

Approval is subject to the following Conditions:

1. Any new structure on this property shall conform to the minimum Zoning Ordinance requirements of R-2 Zoning District.

2. Compliance with all of the conditions outlined in the director of engineering's memo dated June 3, 2015.

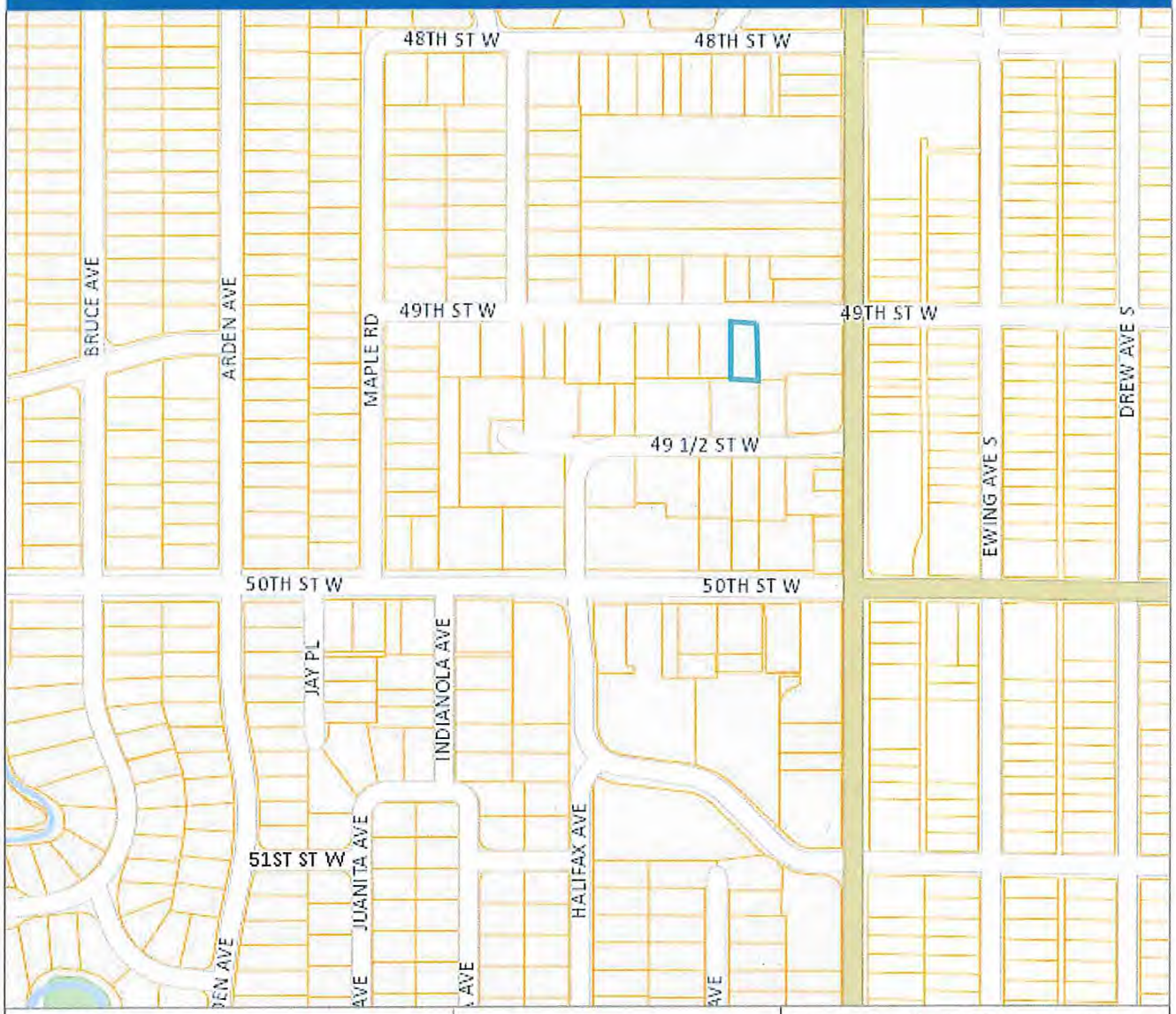
3. Any new duplex structure would be required to be installed with a fire sprinkler system, per the state building code.

Deadline for a city decision: September 1, 2015

Hennepin

Interactive Maps

Property Map



Parcel ID:	18-028-24-14-0027	**A-T-B:**	
Owner Name:	Baker Bean Llc	**Market Total:**	
Parcel Address:	3923 49Th St W Edina, MN 55424	**Tax Total:**	
Property Type:	Residential	**Sale Price:**	
Home-stead:		**Sale Date:**	
Parcel Area:	0.21 acres 9,086 sq ft	**Sale Code:**	

Map Scale: 1" ≈ 400 ft.

Print Date: 1/14/2014

N

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.

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Think Green!

A1

Interactive Maps

Property Map

Parcel ID:	18-028-24-14-0027	**A-T-B:**	
Owner Name:		**Market Total:**	
Parcel Address:	3923 49Th St W Edina, MN 55424	**Tax Total:**	
Property Type:	Residential	**Sale Price:**	
Home-stead:		**Sale Date:**	
Parcel Area:	0.21 acres 9,086 sq ft	**Sale Code:**	

Map Scale: 1" ≈ 200 ft.

Print Date: 1/14/2014

N

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A2

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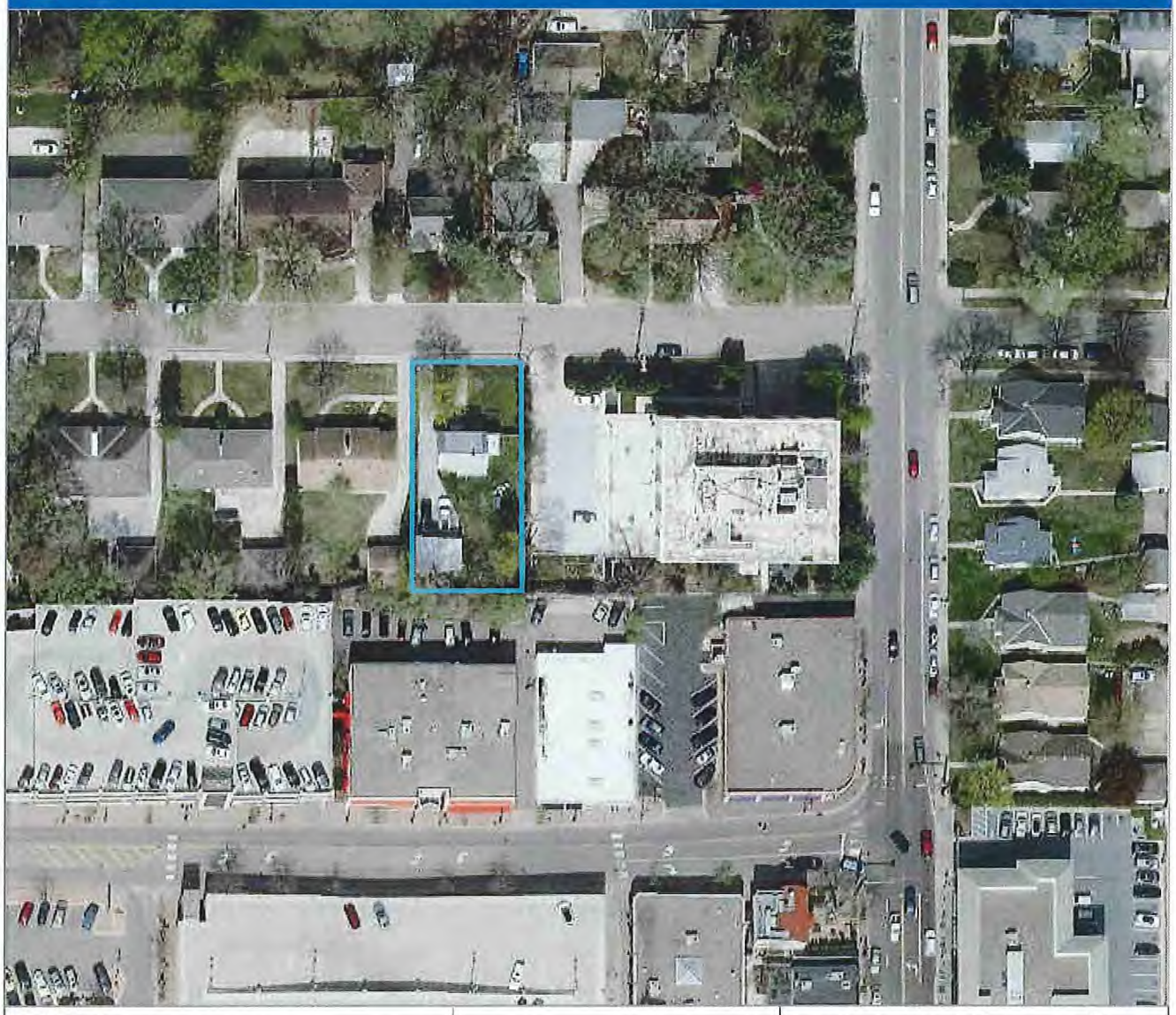
Interactive Maps

Property Map



Parcel ID:	18-028-24-14-0027	**A-T-B:**	
Owner Name:		**Market Total:**	
Parcel Address:	3923 49Th St W Edina, MN 55424	**Tax Total:**	
Property Type:	Residential	**Sale Price:**	
Home-stead:		**Sale Date:**	
Parcel Area:	0.21 acres 9,086 sq ft	**Sale Code:**	

Map Scale: 1" ≈ 100 ft.

Print Date: 1/14/2014

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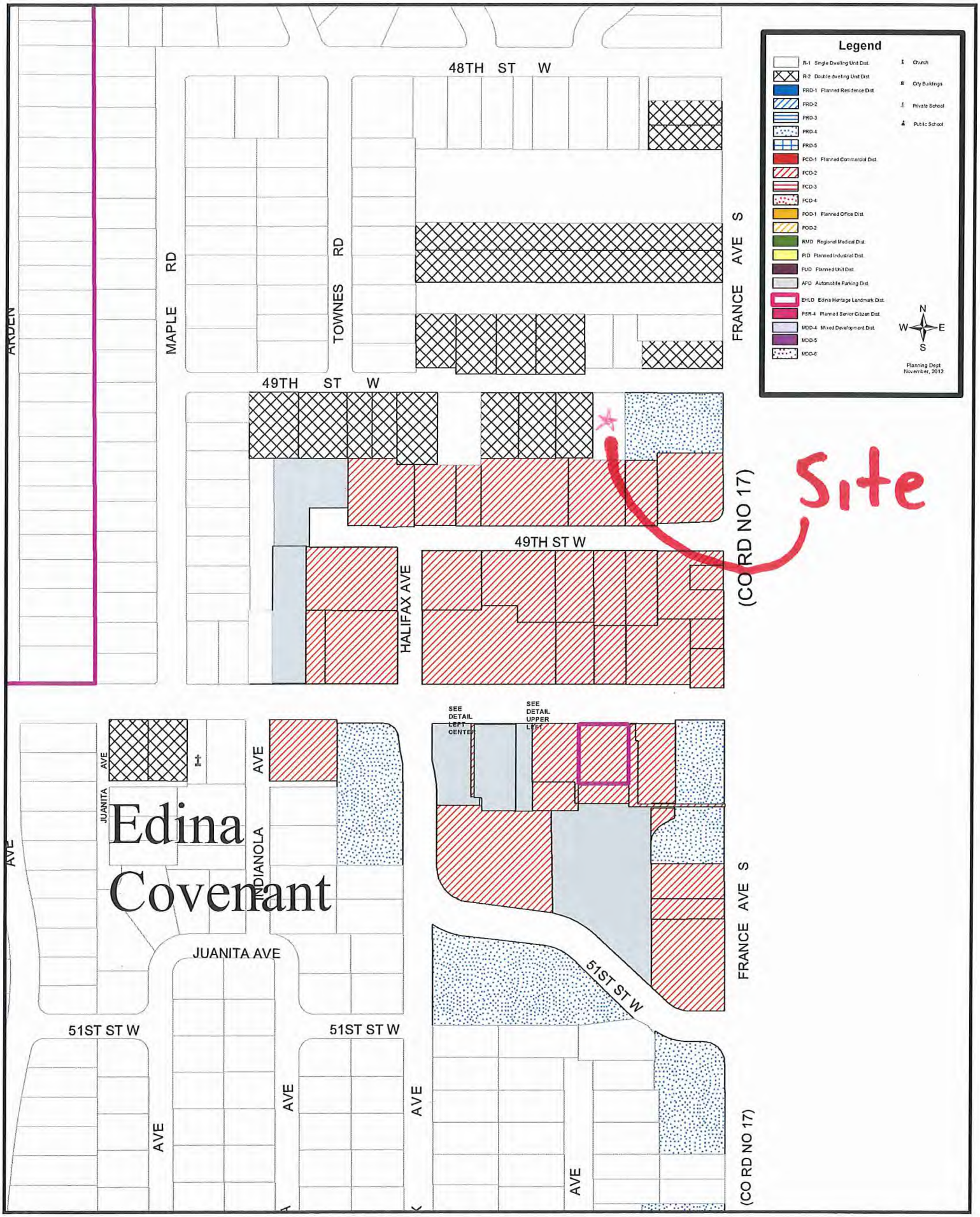
Think Green!

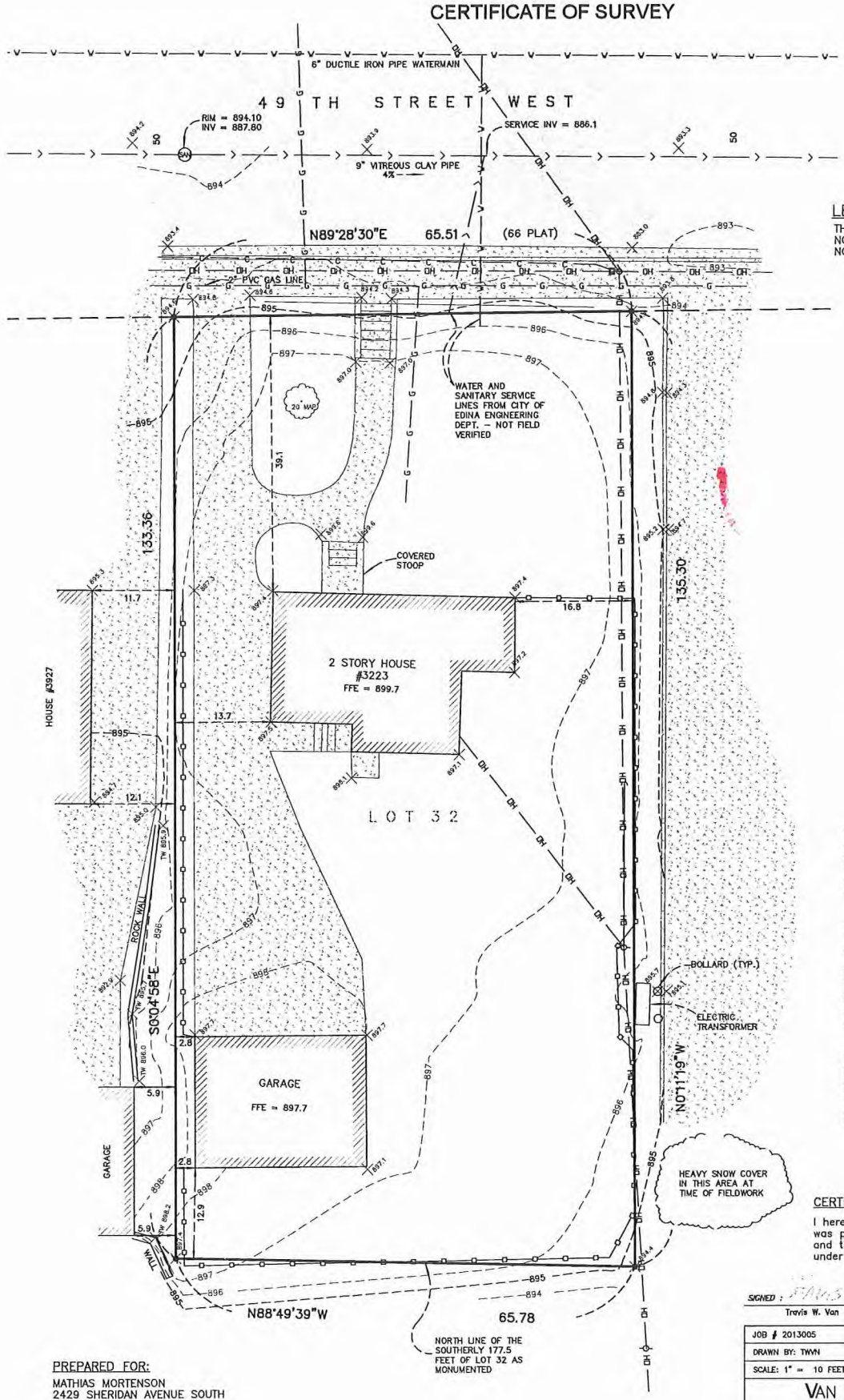
A3



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

A4

CERTIFICATE OF SURVEY



Scale, In Feet
0 10

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)
- 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. ELEVATON = 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 : Travis W. Van Neste

Travis W. Van Neste, Minnesota Professional Surveyor #44109
Michigan Professional Surveyor #46695

JOB # 2013005	ISSUED: 2-21-2013	
DRAWN BY: TWVN	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

VNS

SHEET 1 OF 1

PREPARED FOR:

MATHIAS MORTENSON
2429 SHERIDAN AVENUE SOUTH
MINNEAPOLIS, MN 55405

A5

H·M·M
design collaborative
612.655.3745
2429 Sheridan Ave. S
Minneapolis, MN 55405
www.hmmarch.com

3923 49th STREET – DOUBLE DWELLING
Rezoning Application
Edina, Minnesota
May 8, 2015

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.

EXECUTIVE SUMMARY

The property at 3923 49th Street is highly unusual. First, it is a single-family lot situated on a street that is predominantly double dwellings. More critically, it is adjacent to a high-density 4-story apartment building, two commercial properties, and one double dwelling unit. This sets it apart from any other lot on 49th Street and, indeed, from most other lots throughout the city. In addition, it is cradled by a Height Overlay District that allows adjacent properties to build up to 48' high. A thorough survey of the city and its Height Overlay Districts (See Attachment A), reveals that there are only eight other residential properties in this situation and that, of those eight, only two adjoin HOD's of 48 feet or greater. While those final two are both zoned R-1, neither sits on a street that is predominantly comprised of R-2 lots. In other words, for a variety of reasons, this lot is an anomaly, completely unique in the city.

For these reasons, and others, it is our hope that the City shares our view that our project's proposed re-zoning and associated variances are justified by the unusual conditions of the site. Finally, we submit two of our primary project goals which we believe align well with the City's housing goals as outlined in the Comprehensive Plan:

PROJECT GOAL #1: 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.

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MAY 08 2015
CITY OF EDINA

PROJECT GOAL #2: 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.

AG

3923 49th STREET – DOUBLE DWELLING
Rezoning Application
Edina, Minnesota
May 8, 2015

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2429 Sheridan Ave. S
Minneapolis, MN 55405
www.hmmarch.com

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**

  The proposed building footprint is complies with the required minimum lot coverage of 25%. **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)

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CITY OF EDINA

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3923 49th STREET – DOUBLE DWELLING
Rezoning Application
Edina, Minnesota
May 8, 2015

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

1. Minimum Lot Width – current = 65.5'; required = 90'
2. Minimum Lot Area – current = 8,816 SF; required = 15,000 SF

- **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.
  3. **The variances, if granted, will not alter the essential character of the property or it's surroundings.:** The property will still consist of a two-story hip-roofed structure with massing similar 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'.

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A6

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- 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.

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A9

ST-1 SANDSTONE SILL AND TRIM, SMOOTH FINISH
LOCATION: WINDOW TRIM

BR-1 STANDARD BRICK, RUNNING BOND
STUCCO SKIM COAT, SINGLE LAYER
COLOR: WHITEWASH
LOCATION: BASE, EXTERIOR CORNER VOLUME

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

WD-1 HORIZONTAL WOOD SIDING;
COLOR: WHITEWASH
LOCATION: RECESSED VOLUME

WD-2 HORIZONTAL CEDAR SIDING;
COLOR: MISSION BROWN
LOCATION: FENCE, ENTRY, WINDOW ACCENTS

R-1 THREE-TAB ASPHALT SHINGLE;
COLOR: SAND BROWN
LOCATION: ROOF

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

A10

KEYNOTES

01 NOTATION

PLANNING DEPARTMENT
MAY 20 2015
CITY OF EDINA

REVISIONS	
15.05.08	RE-ZONING

PROJECT TEAM

SURVEYOR	LANDSCAPE ARCH:	CIVIL ENGINEER:	ARCHITECT:	OWNER:
VAN NESTE SURVEYING TRAVIS VAN NESTE 85 WILDHURST ROAD EXCELSIOR, MN 55331	LILY PAD LANDSCAPE TIM PANCHOT 3217 EAST 37th ST. MINNEAPOLIS, MN 55406	CIVIL SITE GROUP MATT PAVEK 4931 WEST 35th ST., SUITE 200 ST. LOUIS PARK, MN 55416	HMM DESIGN COLLABORATIVE 2429 SHERIDAN AVE. MINNEAPOLIS MN 55405 612-655-3745	BAKER BEAN LLC

DRAWN BY MHM

ADDITION

PROJECT ADDRESS:
3923 49th STREET
EDINA MN 55424

KEY PLAN

A4
01

1 EXTERIOR PERSPECTIVE - LOOKING SOUTHWEST

1 EXTERIOR PERSPECTIVE - LOOKING NORTHWEST

2 EXTERIOR PERSPECTIVE - LOOKING NORTHEAST

2 EXTERIOR PERSPECTIVE - LOOKING SOUTHEAST

A-11

KEYNOTES

01 NOTATION

PLANNING DEPARTMENT

MAY 20 2015

CITY OF EDINA

REVISIONS	
15.05.08	RE-ZONING

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DRAWN BY MHM

KEY PLAN

ADDITION

PROJECT ADDRESS:

3923 49th STREET
EDINA MN 55424

EXTERIOR ISOMETRICS

SOUTHEAST
NORTHEWEST
SOUTHWEST
NORTHEAST

A4

03

1 EXTERIOR PERSPECTIVE - LOOKING SOUTHWEST
A4.03 Scale: 1/4"=1'

1 EXTERIOR PERSPECTIVE - LOOKING NORTHWEST
A4.03 Scale: 1/4"=1'

2 EXTERIOR PERSPECTIVE - LOOKING NORTHEAST
A4.03 Scale: 1/4"=1'

2 EXTERIOR PERSPECTIVE - LOOKING SOUTHEAST
A4.03 Scale: 1/4"=1'

KEYNOTES

01 NOTATION

REVISIONS	
15.05.08	RE-ZONING

PROJECT TEAM

SURVEYOR	LANDSCAPE ARCH:	CIVIL ENGINEER:	ARCHITECT:	OWNER:
VAN NESTE SURVEYING TRAVIS VAN NESTE 85 WILDHURST ROAD EXCELSIOR, MN 55331	LILY PAD LANDSCAPE TIM PANCHOT 3217 EAST 37th ST. MINNEAPOLIS, MN 55406	CIVIL SITE GROUP MATT PAVEK 4931 WEST 35th ST., SUITE 200 ST. LOUIS PARK, MN 55416	HMM DESIGN COLLABORATIVE 2429 SHERIDAN AVE. MINNEAPOLIS MN 55405 612-655-3745	BAKER BEAN LLC

DRAWN BY
MHM

ADDITION

PROJECT ADDRESS:
3923 49th STREET
EDINA MN 55424

KEY PLAN

EXTERIOR ISOMETRICS

SOUTHEAST
NORTHEWEST
SOUTHWEST
NORTHEAST

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PLANNING DEPARTMENT
MAY 20 2015
CITY OF EDINA

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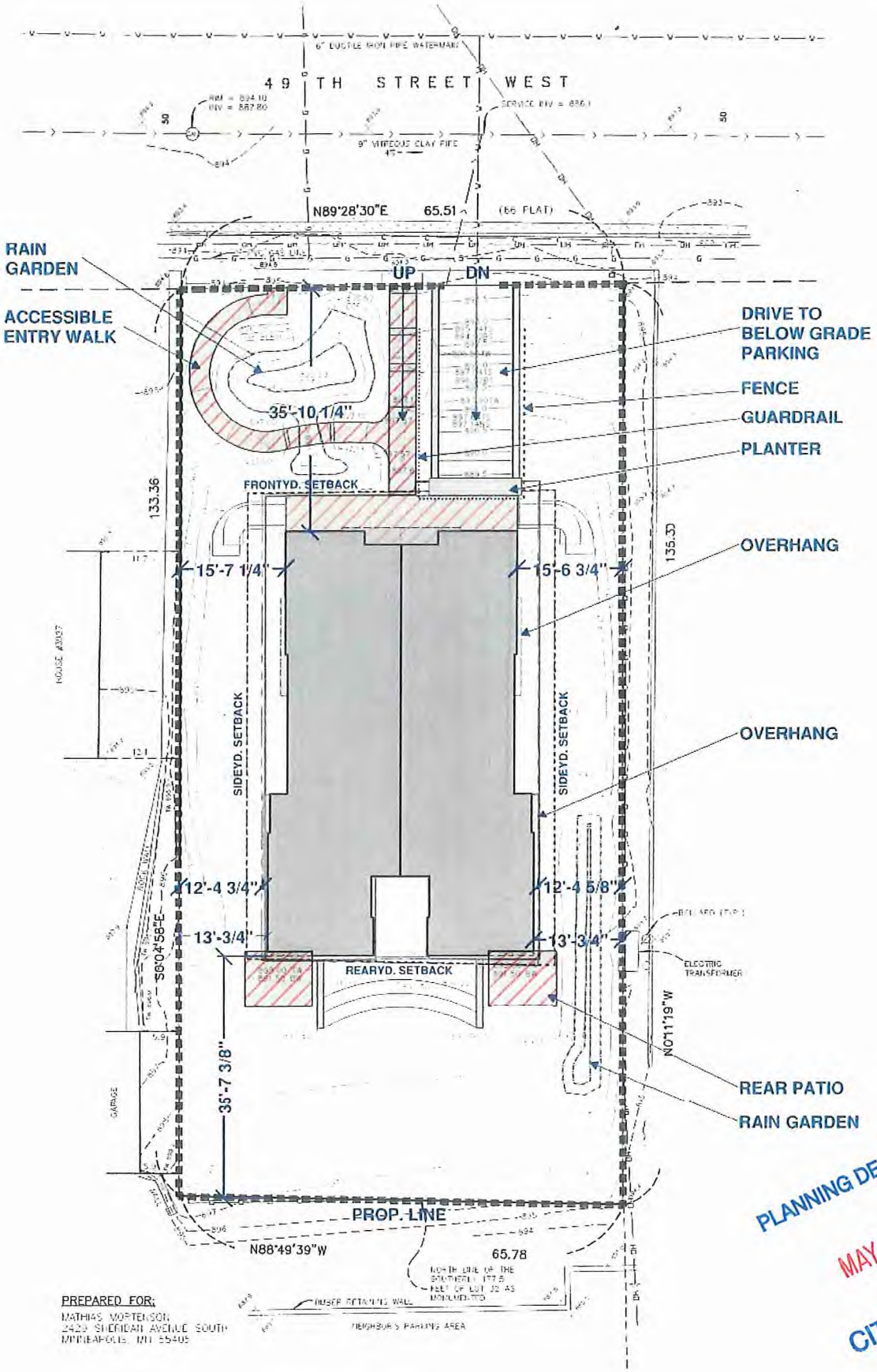
KEYNOTES

01 NOTATION



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

2 SITE PLAN + PROPOSED SURVEY
SURVEY 1" = 10'-0"

PLANNING DEPARTMENT
MAY 08 2015
CITY OF EDINA

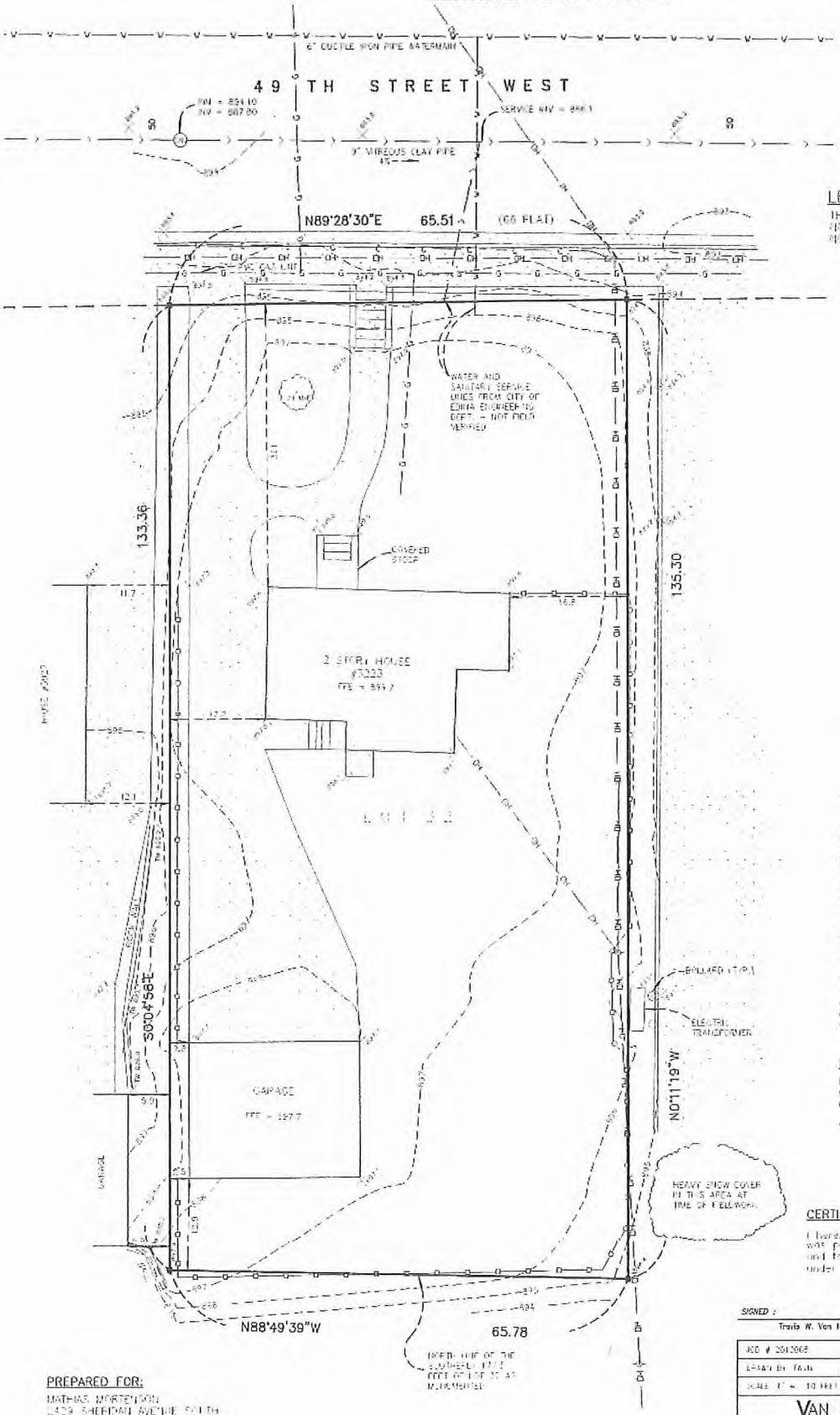
ORATIVE 5	OWNER: BAKER BEAN LLC	DRAWN BY MHM	ADDITION PROJECT ADDRESS: 3923 49th STREET EDINA MN 55424	KEY PLAN	SURVEYS EXISTING PROPOSED

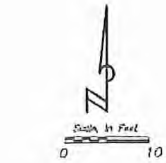
A13

SURVEYS

01

CERTIFICATE OF SURVEY





LEGAL DESCRIPTION:

THAT PART OF LOT 32, ANDNOR'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)
- 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, EDINA, 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)

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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 :

Travis W. Van Neste, Minnesota Professional Surveyor #44109
Michigan Professional Surveyor #46695

JOB # 2012068	ISSUED: 2-21-2013	
DRAWN BY: TWVN	PCS	
SCALE: 1" = 10 FEET		

VAN NESTE SURVEYING
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VNS

SHEET 1 OF 1

PREPARED FOR:

MATHIAS NORTENSON
2429 SHERIDAN AVENUE SOUTH
MINNEAPOLIS, MN 55405

1 SURVEY - EXISTING
SURVEY 1"=10'-0"

A14

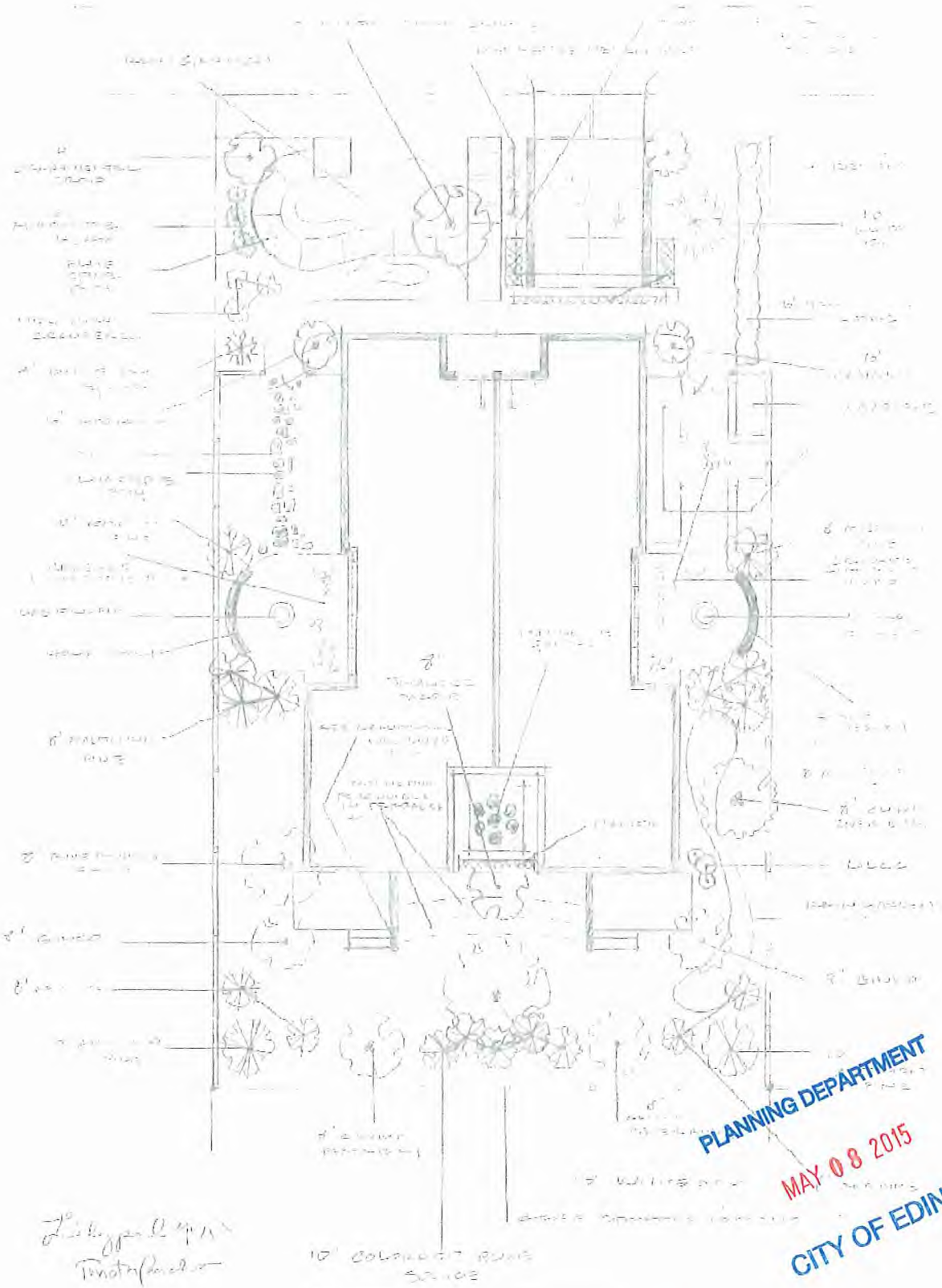
REVISIONS	
15.05.08	RE-ZONING

PROJECT TEAM

SURVEYOR	LANDSCAPE ARCH:	CIVIL ENGINEER:	ARCHITE
VAN NESTE SURVEYING TRAVIS VAN NESTE 85 WILDHURST ROAD EXCELSIOR, MN 55331	LILY PAD LANDSCAPE TIM PANCHOT 3217 EAST 37th ST. MINNEAPOLIS, MN 55406	CIVIL SITE GROUP MATT PAVEK 4931 WEST 35th ST., SUITE 200 ST. LOUIS PARK, MN 55416	HMM DESIGI 2429 SHERID MINNEAPOL 612-655-374

KEYNOTES

01 NOTATION



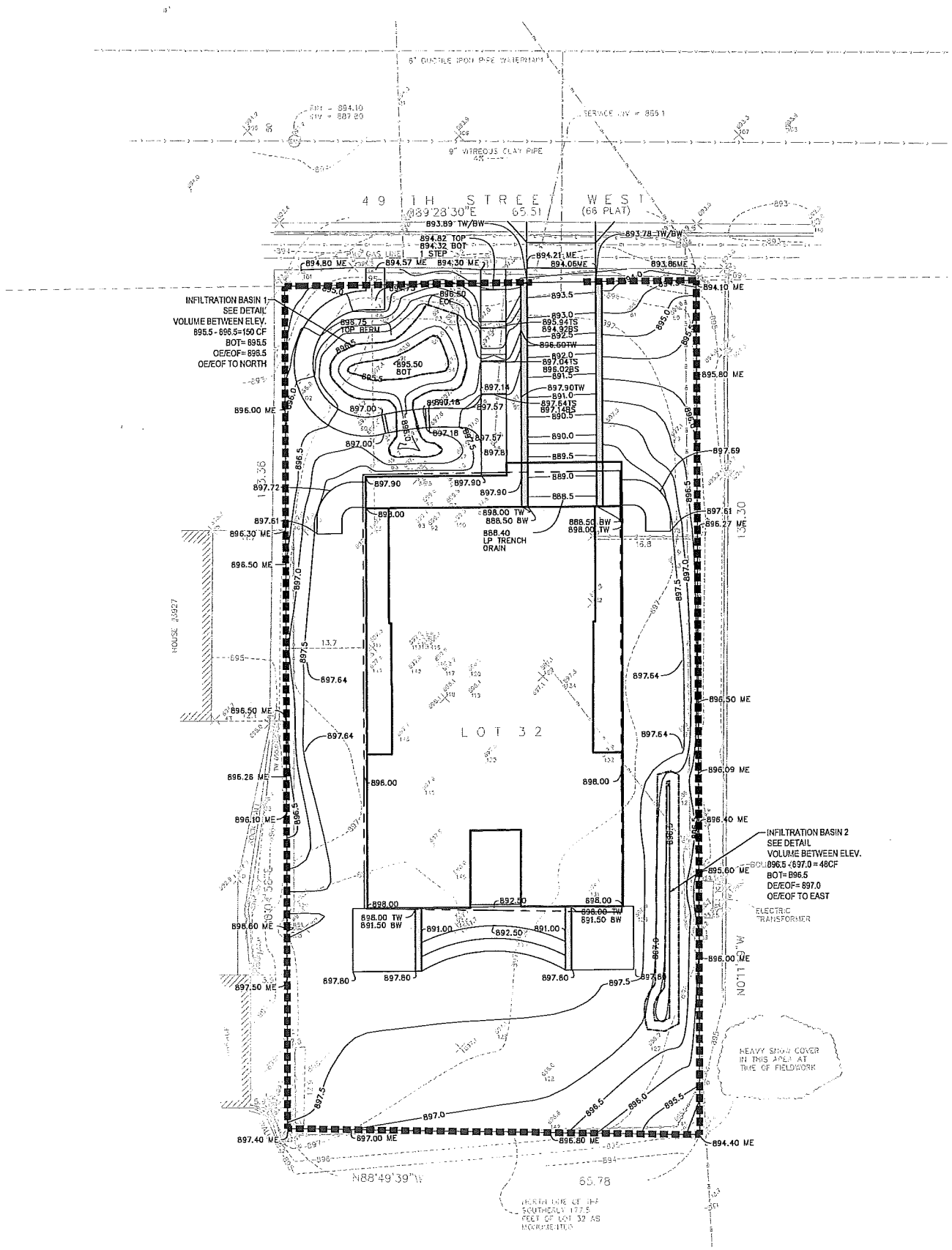
PLANNING DEPARTMENT
MAY 08 2015
CITY OF EDINA

1 LANDSCAPE
L1.01 1/16

1/15

	OWNER: BAKER BEAN LLC	DRAWN BY MHM	ADDITION PROJECT ADDRESS: 3923 49th STREET EDINA MN 55424	KEY PLAN	LANDSCAPE PLAN

L1
01



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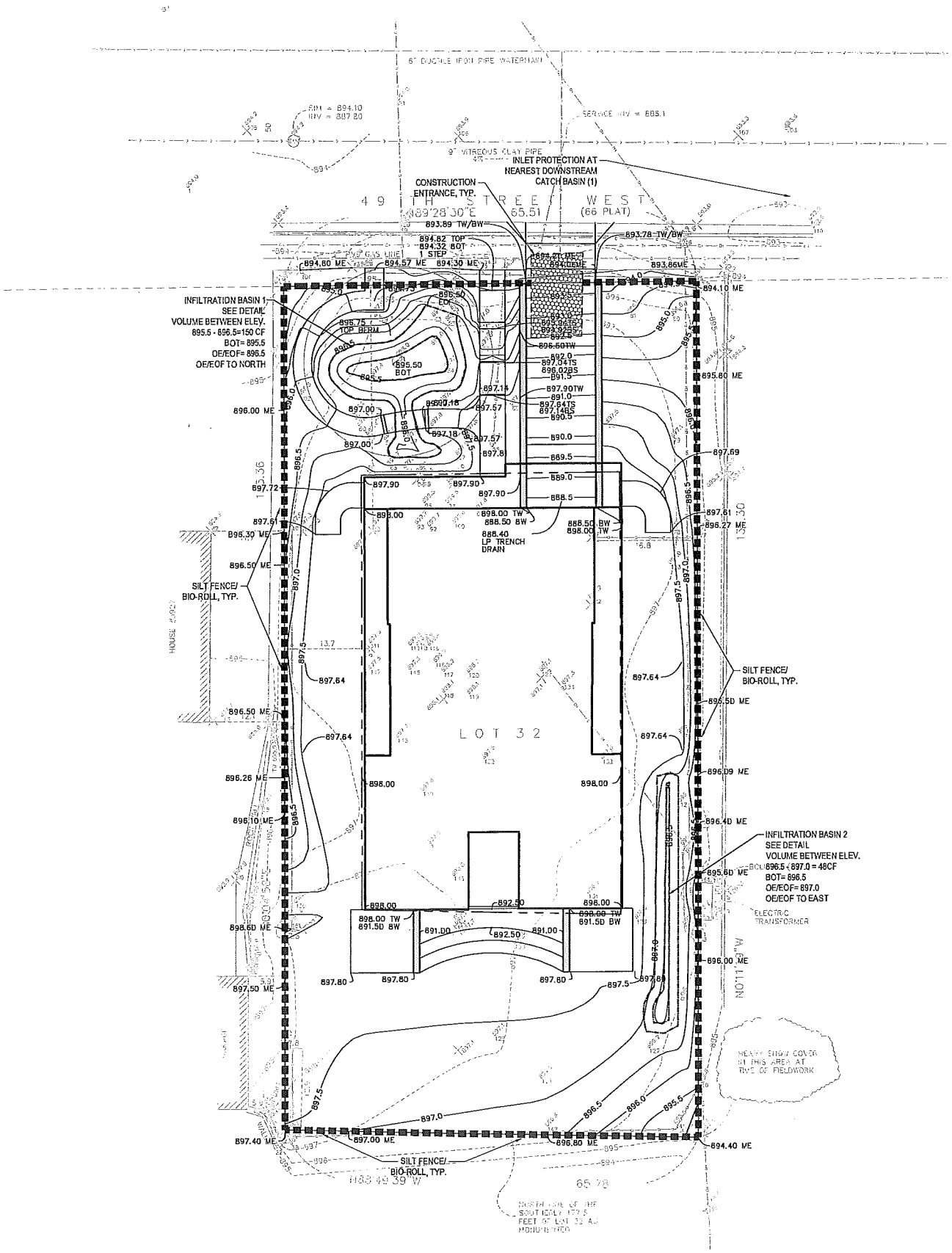


CONSTRUCTION SEQUENCING

1. INSTALLATION OF SILT FENCE OR BIC
2. DEMOLITION OF EXISTING STRUCTUF
3. CLEAR AND GRUB.
4. CONSTRUCT NEW STRUCTURE
5. WHEN ALL CONSTRUCTION ACTIVITY SITE IS STABILIZED BY EITHER SEED OR SO SILT FENCE AND RESEED ANY AREAS DISTU

EROSION PREVENTION

THE CONTRACTOR IS RESPONSIBLE FOR PU IMPLEMENTING APPROPRIATE CONSTRUCT VEGETATIVE BUFFER STRIPS, HORIZONTAL OTHER CONSTRUCTION PRACTICES THAT M

ALL EXPOSED SOIL AREAS MUST BE STABIL POSSIBLE TO LIMIT SOIL EROSION BUT IN NO DAYS AFTER THE CONSTRUCTION ACTIVITY SITE HAS TEMPORARILY OR PERMANENTLY

THE NORMAL WETTED PERIMETER OF ANY PERMANENT DRAINAGE DITCH OR SWALE T ANY PORTION OF THE CONSTRUCTION SITE AROUND THE SITE, MUST BE STABILIZED WI FROM THE PROPERTY EDGE, OR FROM THE INTO ANY SURFACE WATER. STABILIZATION FEET MUST BE COMPLETED WITHIN 24 HOUI TO A SURFACE WATER.

STABILIZATION OF THE REMAINING PORTIOI OR PERMANENT DITCHES OR SWALES MUST DAYS AFTER CONNECTING TO A SURFACE W CONSTRUCTION IN THAT PORTION OF THE D OR PERMANENTLY CEASED.

TEMPORARY OR PERMANENT DITCHES OR S USED AS A SEDIMENT CONTAINMENT SYSTE DESIGNED ROCK DITCH CHECKS, BIO ROLLS NOT NEED TO BE STABILIZED. THESE AREA WITHIN 24 HOURS AFTER NO LONGER BEING CONTAINMENT SYSTEM.

PIPE OUTLETS MUST BE PROVIDED WITH TE PERMANENT ENERGY DISSIPATION WITHIN CONNECTION TO A SURFACE WATER.

SEDIMENT CONTROL

SEDIMENT CONTROL PRACTICES MUST MIN ENTERING SURFACE WATERS, INCLUDING C SYSTEMS AND STORM SEWER INLETS.

SEDIMENT CONTROL PRACTICES MUST BE E DOWN GRADIENT PERIMETERS BEFORE AN DISTURBING ACTIVITIES BEGIN. THESE PRA PLACE UNTIL FINAL STABILIZATION HAS BEE

ALL STORM DRAIN INLETS MUST BE PROTEC BMPS DURING CONSTRUCTION UNTIL ALL S FOR DISCHARGING TO THE INLET HAVE BEE

TEMPORARY SOIL STOCKPILES MUST HAVE EFFECTIVE SEDIMENT CONTROLS, AND CAN SURFACE WATERS, INCLUDING STORMWAT AS CURB AND GUTTER SYSTEMS, OR COND UNLESS THERE IS A BYPASS IN PLACE FOR

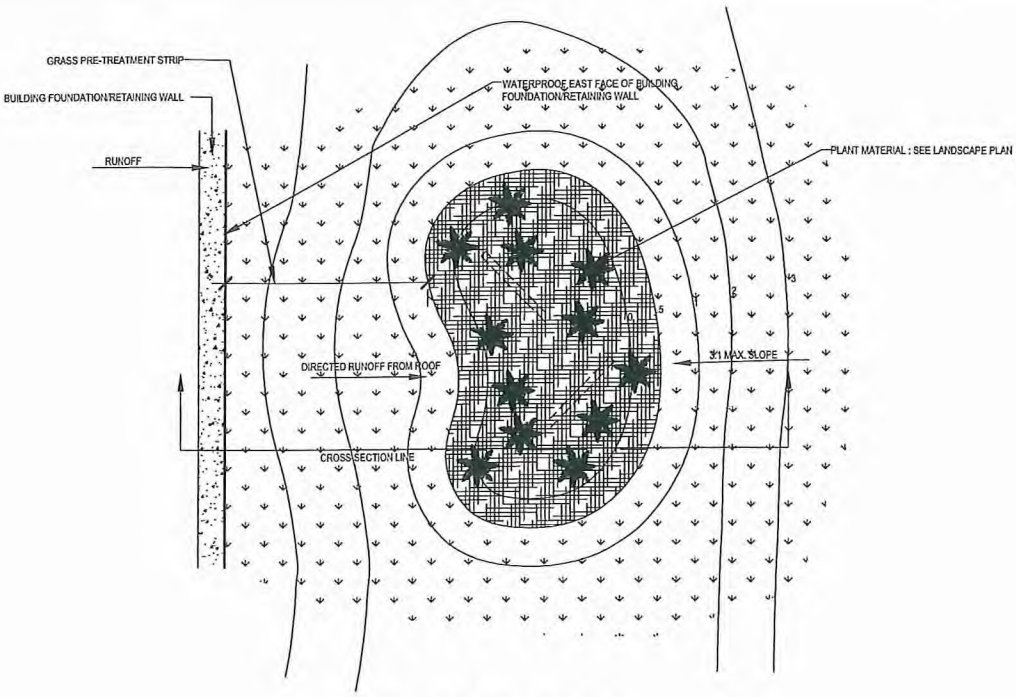
VEHICLE TRACKING OF SEDIMENT FROM TH MUST BE MINIMIZED BY A ROCK CONSTRUC SWEEPING MUST BE USED IF THE ROCK EN ADEQUATE TO PREVENT SEDIMENT FROM E STREET.

TEMPORARY DE-WATERING - DEWATERING PUMPED DISCHARGES, TRENCH/DITCH CUT RELATED TO THE CONSTRUCTION ACTIVITY OR SEDIMENT LADEN DISCHARGE WATER M A TEMPORARY OR PERMANENT SEDIMENTA PROJECT SITE WHENEVER POSSIBLE. IF TH DISCHARGED TO A SEDIMENTATION BASIN F SURFACE WATER, IT MUST BE TREATED WI BMP'S SUCH THAT THE DISCHARGE DOES N THE RECEIVING WATER, DOWNSTREAM LAN THE CONTRACTOR MUST ENSURE THAT DIS ADEQUATELY PROTECTED FROM EROSION DISCHARGE MUST BE DISPERSED OVER NA SAND BAGS, PLASTIC SHEATHING OR OTHE DISSIPATION MEASURES. ADEQUATE SEDIM MEASURES ARE REQUIRED FOR DISCHARGI SUSPENDED SOLIDS.

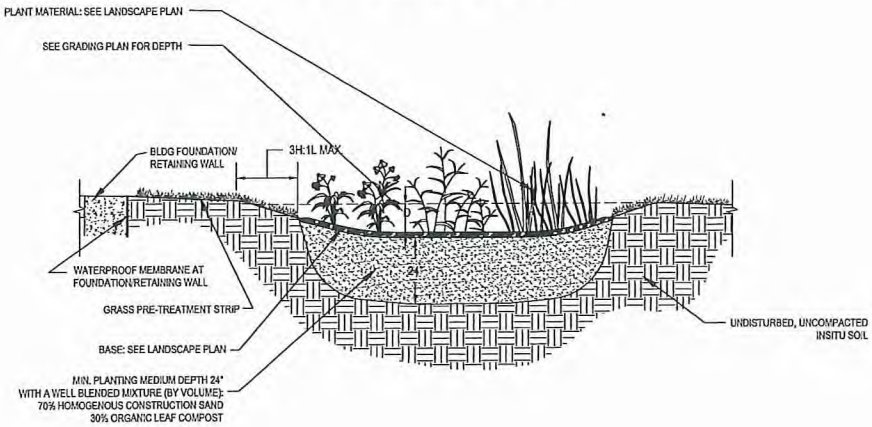
FILTER BACKWASH WATERS MUST BE HAUL RETURNED TO THE BEGINNING OF THE TRE INCORPORATE INTO THE SITE IN A MANNER EROSION. DISCHARGE OF THE BACKWASH SEWER IS ALLOWED WITH PERMISSION OF AUTHORITY

SOIL COMPACTION PRECAUTIONS

THE PERMITEE MUST MINIMIZE SOIL COMPA INFEASIBLE, PRESERVE TOPSOIL. MINIMIZI NOT REQUIRED WHERE THE FUNCTION OF THE SITE DICTATES THAT IT BE COMPACTEI MINIMIZING COMPACTION INCLUDE THE USE EQUIPMENT, AND STAYING OFF OF AREAS UN-COMPACTED. METHODS TO PRESERVE STRIPPING AND STOCKPILING TOPSOIL PRI EXCAVATION OPERATIONS.



TYPICAL PLAN VIEW



TYPICAL SECTION VIEW

CONSTRUCTION SEQUENCING

1. INSTALL SILT FENCE AND/OR OR OTHER APPROPRIATE TEMPORARY EROSION CONTROL DEVICES TO PREVENT SEDIMENT FROM LEAVING OR ENTERING THE PRACTICE DURING CONSTRUCTION.
2. ALL DOWN-GRADIENT PERIMETER SEDIMENT CONTROL BMP'S MUST BE IN PLACE BEFORE ANY UP GRADIENT LAND DISTURBING ACTIVITY BEGINS.
3. PERFORM CONTINUOUS INSPECTIONS OF EROSION CONTROL PRACTICES.
4. INSTALL UTILITIES (WATER, SANITARY SEWER, ELECTRIC, PHONE, FIBER OPTIC, ETC) PRIOR TO SETTING FINAL GRADE OF BIORETENTION DEVICE.
5. ROUGH GRADE THE SITE. IF BIORETENTION AREAS ARE BEING USED AS TEMPORARY SEDIMENT BASINS LEAVE A MINIMUM OF 3 FEET OF COVER OVER THE PRACTICE TO PROTECT THE UNDERLYING SOILS FROM CLOGGING.
6. PERFORM ALL OTHER SITE IMPROVEMENTS.
7. SEED AND MULCH ALL AREAS AFTER DISTURBANCE.
8. CONSTRUCT BIORETENTION DEVICE UPON STABILIZATION OF CONTRIBUTING DRAINAGE AREA.
9. IMPLEMENT TEMPORARY AND PERMENATE EROSION CONTROL PRACTICES.
10. PLANT AND MULCH BIORETENTION DEVICE.
11. REMOVE TEMPORARY EROSION CONTROL DEVICES AFTER THE CONTRIBUTING DRAINAGE AREA IS ADEQUATELY VEGETATED.

GENERAL NOTES

1. IN THE EVENT THAT SEDIMENT IS INTRODUCED INTO THE BMP DURING OR IMMEDIATELY FOLLOWING EXCAVATION, THIS MATERIAL SHALL BE REMOVED FROM THE PRACTICE PRIOR TO CONTINUING CONSTRUCTION.
2. GRADING OF BIORETENTION DEVICES SHALL BE ACCOMPLISHED USING LOW-COMPACTION EARTH-MOVING EQUIPMENT TO PREVENT COMPACTION OF UNDERLYING SOILS.
3. ALL SUB MATERIALS BELOW THE SPECIFIED BIORETENTION DEPTH (ELEVATION) SHALL BE UNDISTURBED, UNLESS OTHERWISE NOTED.

PLANNING DEPARTMENT
MAY 08 2015
CITY OF EDINA

1 BIO-RETENTION, INFILTRATION, FILTRATION (RAIN GARDEN - TYP.)

NTS

CivilS GROU
4931 W. 35TH ST. SUITE
ST. LOUIS PARK, MN 55
CivilSiteGroup.com
Matt Pavek
763-213-3944

PROJECT
DOUBLE DWELLING
3923 W 49TH STREET, EDINA, MN 55424

I HEREBY CERTIFY THAT TH SPECIFICATION, OR REPOR PREPARED BY ME OR UNDER I SUPERVISION AND THAT I AM LICENSED PROFESSIONAL E UNDER THE LAWS OF THE S MINNESOTA.

Matthew R. Pavek
DATE 4/17/15 LICENSE NO.

ISSUE/SUBMITTAL SUM
DATE DESCRIPTION
CITY SUBMITTAL

REVISION SUMMAR
DATE DESCRIPTION

C4

A18

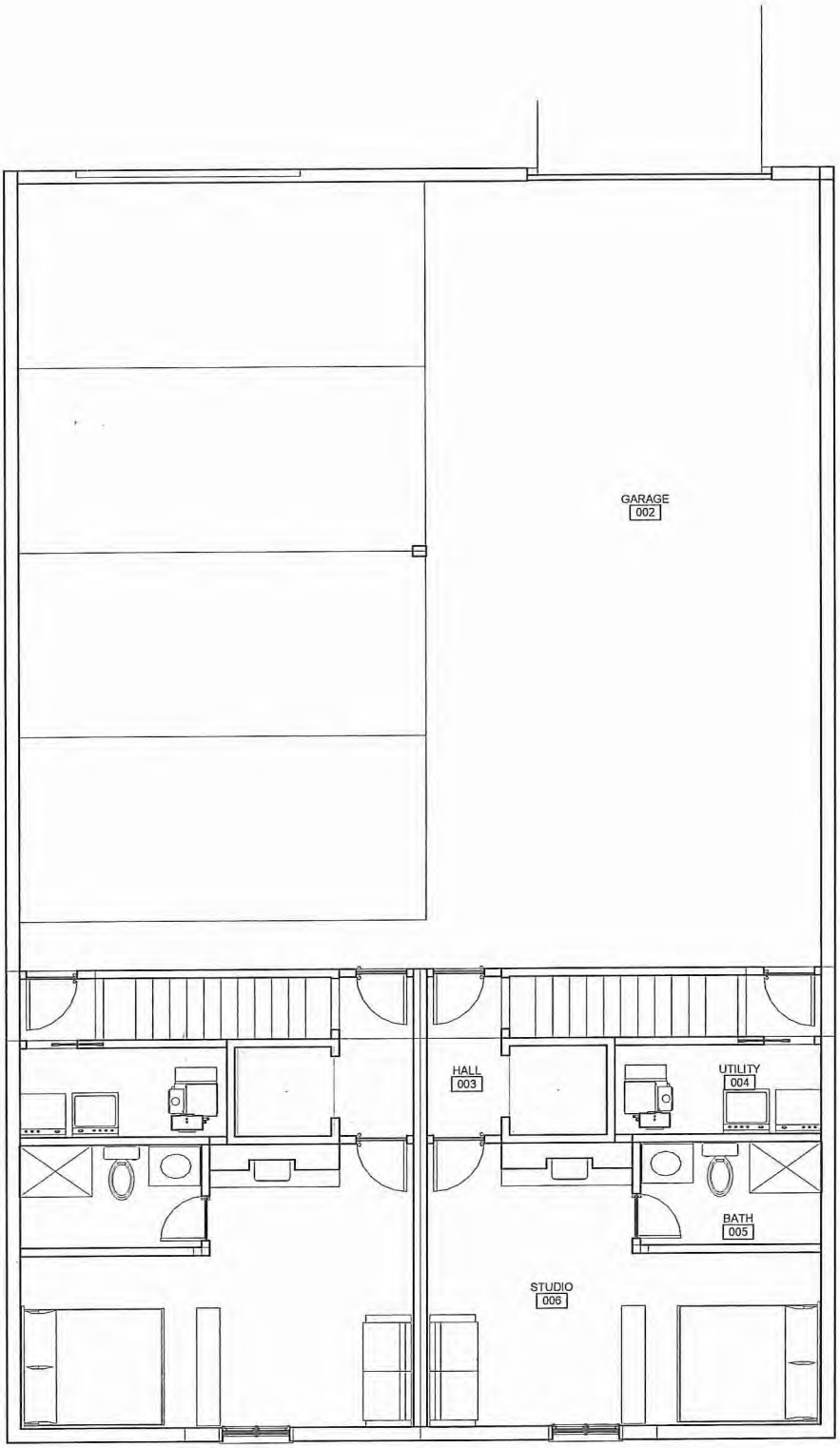
2 A2.01 FLOOR PLAN - LEVEL 1
Scale 1/4" 1'

A17

PL

LANDSCAPE ARCH:	CIVIL ENGINEER:	ARCHITECT:	OWNER:	DRAWN BY	ADDITION
LILY PAD LANDSCAPE TIM PANCHOT 3217 EAST 37th ST. MINNEAPOLIS, MN 55406	CIVIL SITE GROUP MATT PAVEK 4931 WEST 35th ST., SUITE 200 ST. LOUIS PARK, MN 55416	HMM DESIGN COLLABORATIVE 2429 SHERIDAN AVE. MINNEAPOLIS MN 55405 612-655-3745	BAKER BEAN LLC	MHM	PROJECT ADDRESS: 3923 49th STREET EDINA MN 55424

KEY PLAN



1 A2.01 FLOOR PLAN - LEVEL 0
Scale 1/8" = 1'

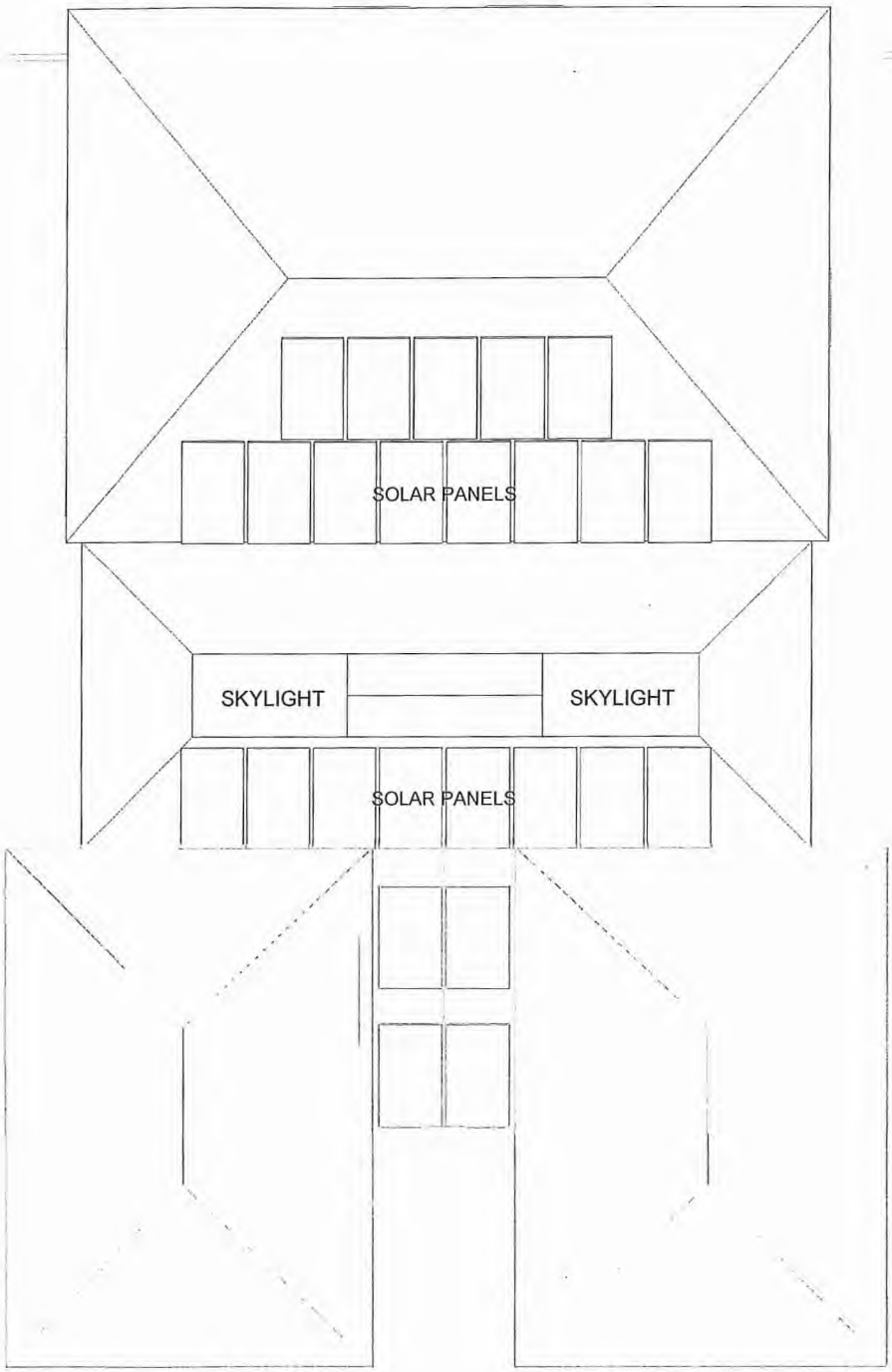
A20

2 A2.01 FLOC
Scale 1

REVISIONS	
15.05.08	RE-ZONING

PROJECT TEAM

SURVEYOR	LANDSCAPE ARCH:	CIVIL ENGINEER:	ARCHITI
VAN NESTE SURVEYING TRAVIS VAN NESTE 85 WILDHURST ROAD EXCELSIOR, MN 55331	LILY PAD LANDSCAPE TIM PANCHOT 3217 EAST 37th ST. MINNEAPOLIS, MN 55406	CIVIL SITE GROUP MATT PAVEK 4931 WEST 35th ST., SUITE 200 ST. LOUIS PARK, MN 55416	HMM DESIG 2429 SHERI MINNEAPOL 612-655-37

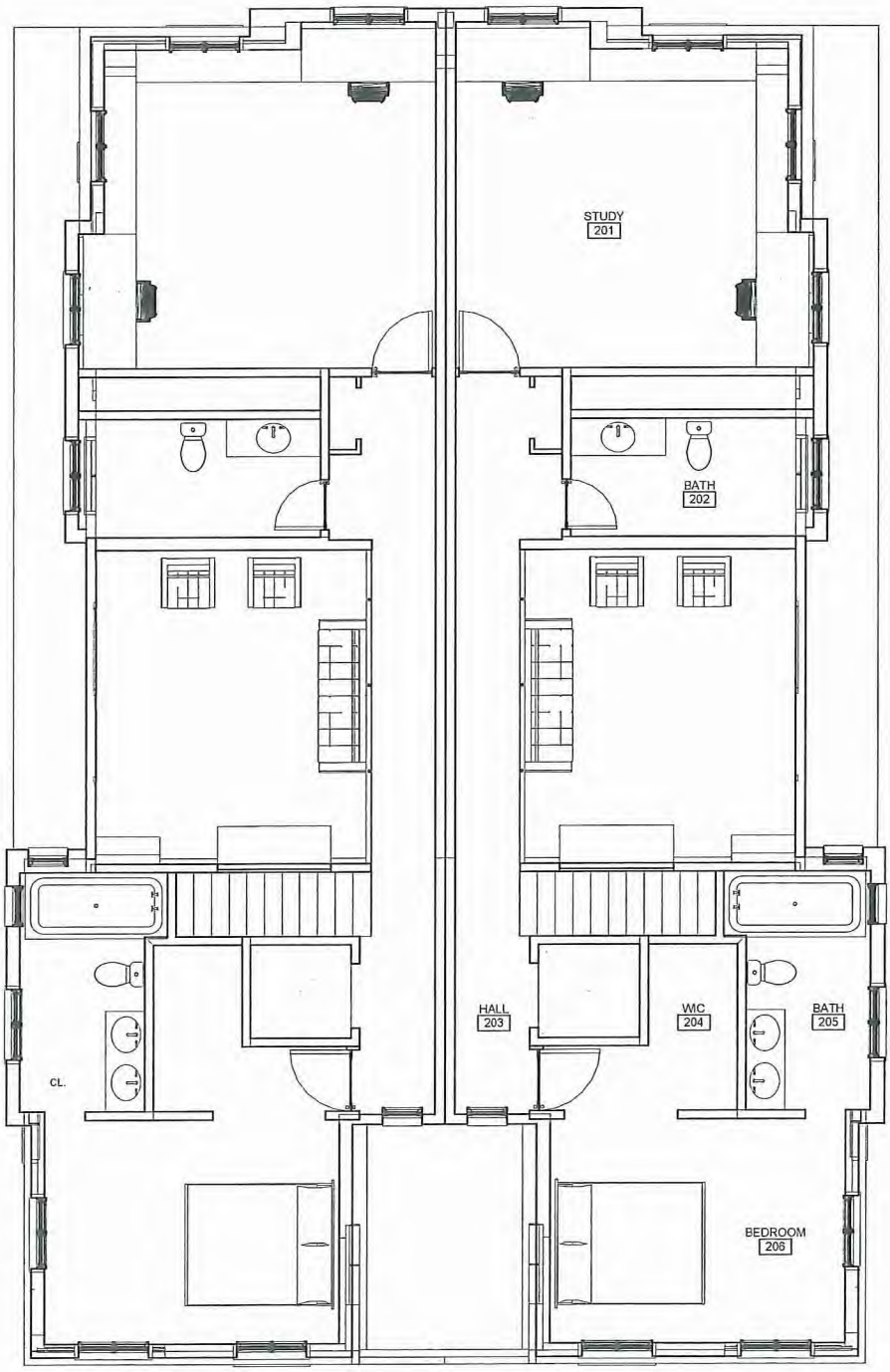


2 A2.02 ROOF PLAN
Scale 1/4" 1'

A21

PLANNING DEP
MAY
CIT

ARCH:	CIVIL ENGINEER:	ARCHITECT:	OWNER:	DRAWN BY	ADDITION	KEY PLAN	FLOOR PLAN
PE 55406	CIVIL SITE GROUP MATT PAVEK 4931 WEST 35th ST., SUITE 200 ST. LOUIS PARK, MN 55416	HMM DESIGN COLLABORATIVE 2429 SHERIDAN AVE. MINNEAPOLIS MN 55405 612-655-3745	BAKER BEAN LLC	MHM	PROJECT ADDRESS: 3923 49th STREET EDINA MN 55424		SECOND FLOO ROOF



1 A2.02 FLOOR PLAN - LEVEL 2
Scale 1/4" 1'

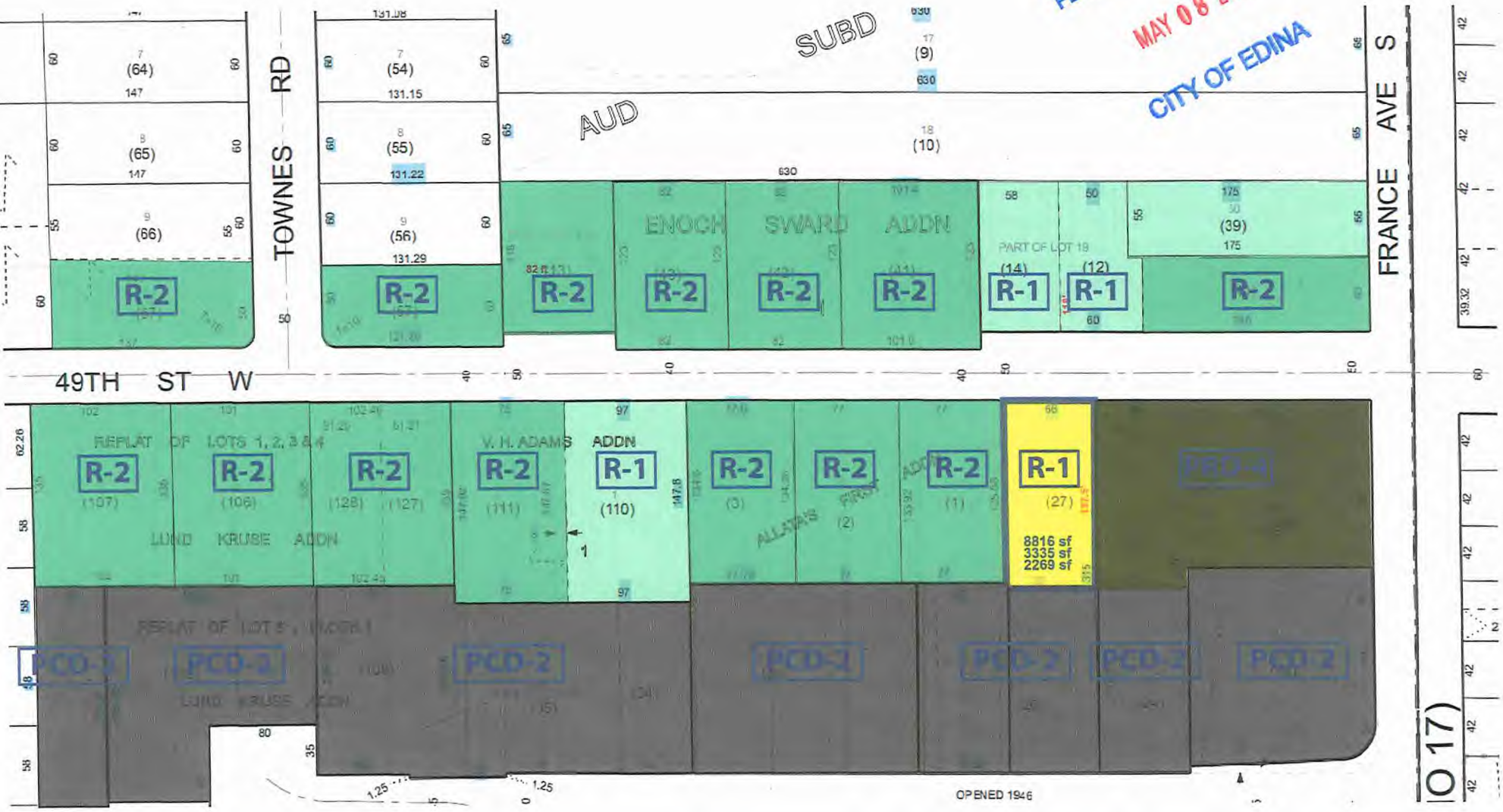
A22

2 A2.02 ROOF
Scale 1

REVISIONS	
15.05.08	RE-ZONING

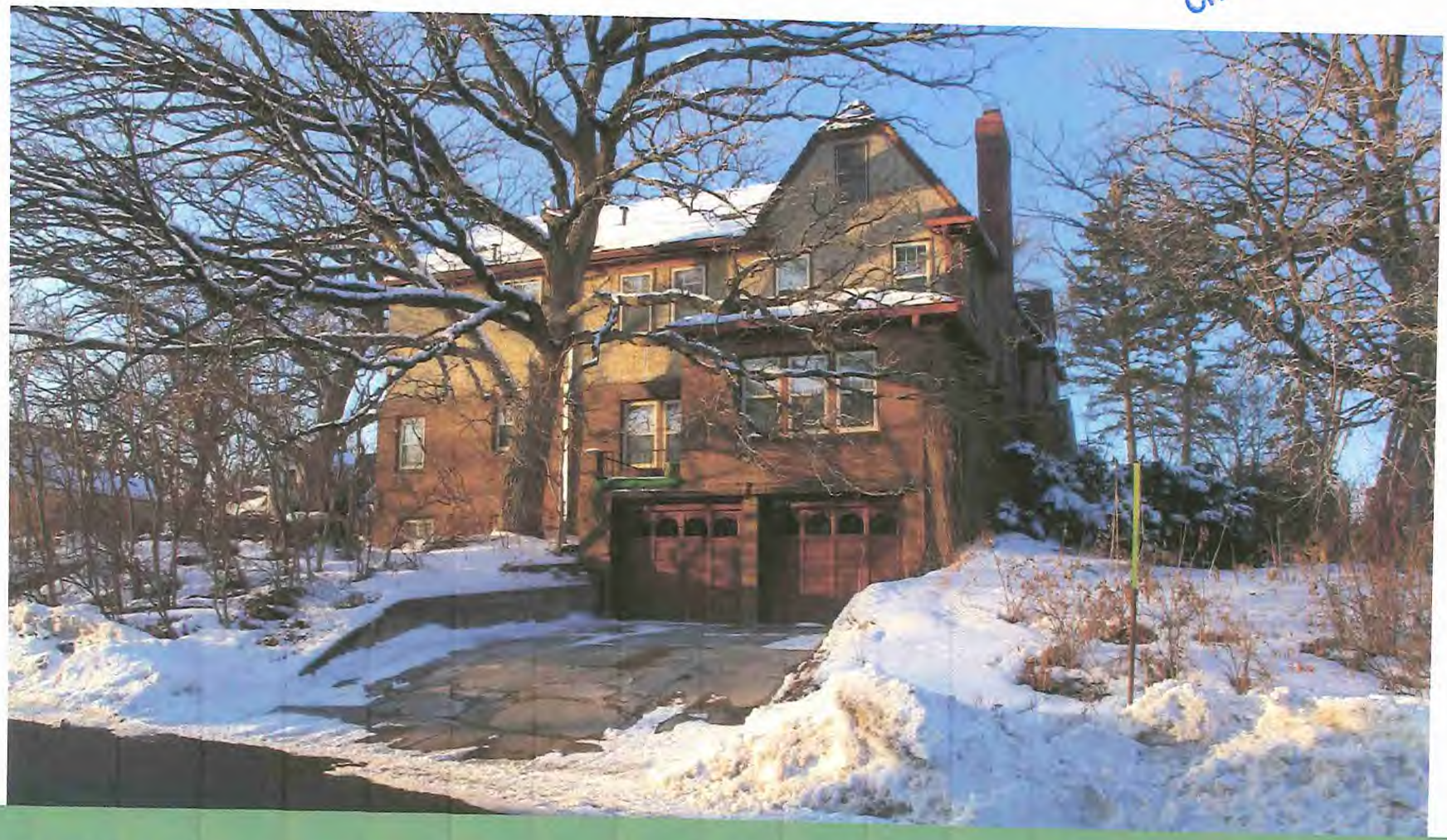
PROJECT TEAM

SURVEYOR	LANDSCAPE ARCH:	CIVIL ENGINEER:	ARCHITE
VAN NESTE SURVEYING TRAVIS VAN NESTE 85 WILDHURST ROAD EXCELSIOR, MN 55331	LILY PAD LANDSCAPE TIM PANCHOT 3217 EAST 37th ST. MINNEAPOLIS, MN 55406	CIVIL SITE GROUP MATT PAVEK 4931 WEST 35th ST., SUITE 200 ST. LOUIS PARK, MN 55416	HMM DESIG 2429 SHERID MINNEAPOL 612-655-374



1 UNIQUE SITE

PLANNING DEPARTMENT
MAY 08 2015
CITY OF EDINA



A24

4 NEIGHBORHOOD CHARACTER

PLANNING DEPARTMENT
MAY 08 2015
CITY OF EDINA

4 NEIGHBORHOOD CHARACTER

PLANNING DEPARTMENT
MAY 08 2015
CITY OF EDINA

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MAY 08 2015
CITY OF EDINA

A30

4 NEIGHBORHOOD CHARACTER

PLANNING DEPARTMENT
MAY 08 2015
CITY OF EDINA

A31

4 NEIGHBORHOOD CHARACTER

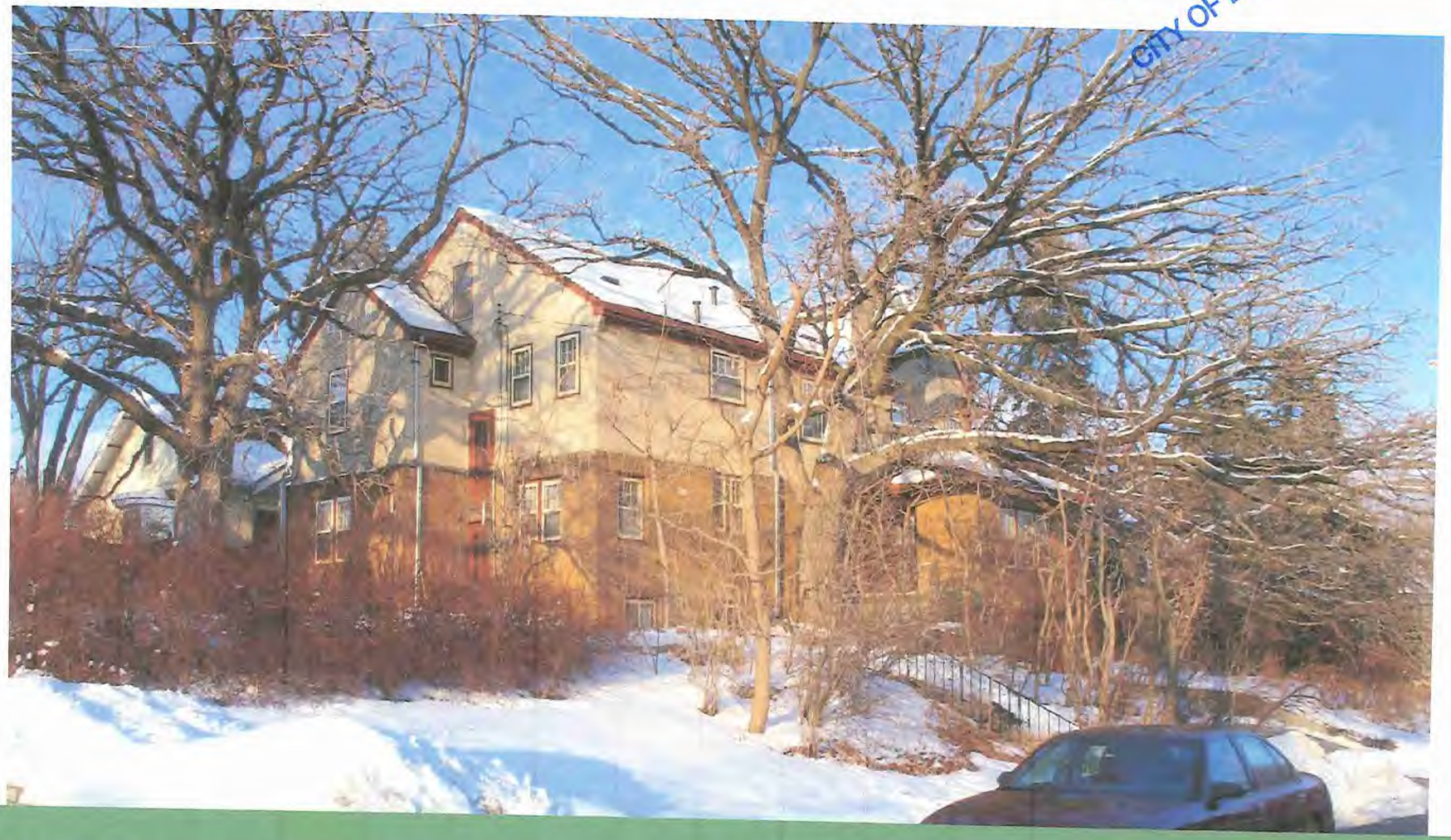
PLANNING DEPARTMENT
MAY 08 2015
CITY OF EDINA

A32

4 NEIGHBORHOOD CHARACTER

PLANNING DEPARTMENT
MAY 08 2015
CITY OF EDINA

A33



4 NEIGHBORHOOD CHARACTER

Interactive Maps

Property Map

Parcel ID:	18-028-24-14-0027	**A-T-B:**	
Owner Name:	Baker Bean Llc	**Market Total:**	
Parcel Address:	3923 49Th St W Edina, MN 55424	**Tax Total:**	
Property Type:	Residential	**Sale Price:**	
Home-stead:	Non-Homestead	**Sale Date:**	
Parcel Area:	0.21 acres 9,086 sq ft	**Sale Code:**	

Map Scale: 1" ≈ 200 ft.

Print Date: 6/3/2015

N

LOT SIZES

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.

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Think Green!

A34

DATE: June 3, 2015

TO: Cary Teague – Planning Director

CC: David Fisher – Building Official
Chad Milner – City Engineer

FROM: Ross Bintner P.E. - Environmental Engineer

RE: **3923 49th Street West – 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. This review was performed at the request of the Planning Department and assumes the attached documents were submitted for building permit review. A more detailed review will be performed at the time of building permit application.

1. A separate permit may be required from Minnehaha Creek Watershed District: www.minnehahacreek.org/

Street and Curb Cut

2. If 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

3. Underground parking ramp and large graded walk out "egress well," are very atypical for this land use. Both excavations lack positive surface drainage. This situation creates undue risk to sanitary infiltration and inflow. These areas should include either positive grade away from the foundation or be connect to drainage system that drains away.

Storm Water Utility

4. The subject site front yard drains to 49th Street and is part of subwatershed MHN_71. Downstream public system stormwater capacity is limited. The downstream system also includes a runoff volume sensitive landlocked basin prone to flooding.
5. The subject site rear and side yard also drains to subwatershed MHN_58. This drainage path is through city property to the south and then to 49 ½ Street West public system.
6. Required storm water and erosion control precautions are described below.

Site Storm Water

7. A storm water management plan signed by a Professional Engineer is provided to meet the following condition.
    a. Mitigate volume increase to MHS_71.

Grading, Erosion and Sediment Control

8. Grading and erosion control plan meets standards.

A35

MINUTES OF THE
REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF EDINA, MINNESOTA
CITY COUNCIL CHAMBERS
JUNE 25, 2014
7:00 PM

I. CALL TO ORDER

II. ROLL CALL

Answering the roll call: Scherer, Schroeder, Lee, Kilberg, Olsen, Carr, Platteter, Forrest

Members absent from roll: Halva

III. APPROVAL OF MEETING AGENDA

Commissioner Schroeder moved approval of the June 25, 2014 meeting agenda. Commissioner Carr seconded the motion. All voted aye; motion carried.

Chair Staunton informed the Commission Agenda items IV. A. 6500 France Avenue and C. 3932/34 West 49th Street have been continued to the Planning Commission meeting of July 9, 2014.

IV. APPROVAL OF CONSENT AGENDA

A. Minutes of the Regular Meeting of the Edina Planning Commission June 11, 2014

Commissioner Lee moved approval of the June 11, 2014, meeting minutes. Commissioner Scherer seconded the motion. All voted aye; motion carried.

V. COMMUNITY COMMENT

Jim and Lori Grotz, 5913 Park Place, addressed the Commission

VI. PUBLIC HEARING

B. Preliminary Rezoning and Variances. Mathias Mortenson. 3923 West 49th Street, Edina, MN

Staff Presentation

Appearing for the Applicant

Mathias Mortenson

 A34

Discussion

Chair Staunton asked Planner Teague to clarify the process. Planner Teague responded that the rezoning request is a two-step process; variance is one.

Applicant Presentation

Mr. Mortenson addressed the Commission and explained since the meetings before both the Commission and Council he revised the plans to the greatest extent possible. Mortenson explained the subject site is unique; pointing out it is located next to a 4-story apartment complex with parking lot, abuts commercial properties to the south and the block the subject site is located on contains mostly R-2 zoned properties (15); not R-1(4) as the subject site is currently zoned. Continuing, Mortenson also noted the subject site is narrow, and is "cradled by a Height Overlay District", reiterating the subject lot is one of the few in the City with such unusual conditions.

Mr. Mortenson further reported that he has two goals which in his opinion align well with the City's housing goals as outlined in the Comprehensive Plan. Goal #1 is accessibility and Goal #2 is sustainability. Mortenson expanded on those goals. In conclusion Mortensen thanked the Commission for their time reiterating in his opinion this project is a plus for the City.

Discussion

Commissioner Carr indicated that she has concerns about safety as it relates to the retaining wall. She stated that wall is very high and would be dangerous; especially for children if not adequately secured. Mr. Mortenson responded that his intent would be too screen the wall with a strip of landscaping. Carr stated she believes a fence is also warranted. Mortenson responded he would be receptive to installing a fence as well as landscaping.

Commissioner Scherer stated she agrees with Commissioner Carr's comments on the retaining wall and suggested adding a wrought iron fence for safety, adding she believes it would blend well with the landscaping elements. Continuing, Scherer said she wasn't concerned with the lot coverage issue. She stated in her opinion this is a transitional neighborhood and the use of the lot provides buffer to the R-1 zoned properties. Scherer asked for clarification on the lower level of the proposed double. Mr. Mortenson explained that the lower level space accommodates the needs of an aging population. He explained that the potential owner is not only interested in living in one of the units because the design lends itself well to "one level" living with multiple levels; it also meets a need not easily found in Edina. Mortenson said all necessities (kitchen, bath, laundry, etc.) would be provided on the ground level and an elevator would connect the below grade parking to the upper two floors. All features on the "main" level would meet ADA requirements with the basement level serving as quarters for in-home care.

Commissioners expressed some concern over the internal makeup of the units because there is the potential for "multiple dwellings" because of the interior configuration. Mortenson said his intent and the intent of the owner is to rezone the property to R-2, double dwelling unit district. The intent is not to exceed that; it's not a request for a PRD. Mortenson further stressed the intent is two dwelling units period. Mortenson said the configuration relates well to one level living with the property owner able to have guests and a live-in care giver. Concluding, Mortenson said a neighbor in the area has expressed interest in one of the units.

Public Hearing

Chair Staunton opened the public hearing.

Mary Quinlivan, 3922 West 49th Street addressed the Commission and explained that she really likes the aesthetics of the building; especially the front. Quinlivan said in her opinion the two recently constructed doubles are way out of scale for the neighborhood. She acknowledged they are beautiful buildings; however, they are too large with overly exposed garage doors. Concluding, Quinlivan reiterated her support. She likes the look of the building and is impressed with the property owners of sustainability goals.

Chair Staunton acknowledged e-mails received on the project.

Staunton asked if anyone else would like to speak to the subject; being none, Commissioner Scherer moved to closed the public hearing. Commissioner Schroeder seconded the motion. All voted aye; motion to close public hearing carried.

Discussion

Commissioner Platteter stated he wasn't opposed to rezoning this site from R-1 to R-2, adding to him it makes sense. Platteter said what he struggles with is the lot coverage. Platteter said he just thinks the building as proposed is too large.

Commissioner Olsen agreed with the comment from Commissioner Platteter on lot coverage. She further added that she believes the project is honorable, the sustainability element of the project is good; however, she believes it's too large.

Commissioner Carr commented she isn't troubled by the lot coverage adding this lot is difficult to work with and she supports the rezoning; it makes sense.

Commissioner Scherer reiterated she too is less concerned with lot coverage and is swayed by the unique location of this lot (parking lots on two sides of the lot). Continuing, Scherer said she likes the "look" of the home(s) from the front street; it blends well, especially without the introduction of large garage doors.

Commissioner Lee stated she agrees the applicant has great design and sustainability ideas; however, is concerned with the mass of the proposed structure on a lot this size. Lee said she is concerned with drainage; suggesting that the applicant retain a civil engineer to review the drainage. She also said in her opinion the roof pitch is too high, adding there may be other solutions to pursue. Continuing, Lee said she appreciates the unique use of the home(s) and that it responds to the life cycle living as outlined in the Comprehensive Plan. Concluding, Lee stated she continues to believe if constructed as proposed there is too much "building" on this R-1 lot.

In response to Commission comments Mr. Mortenson said he would retain both a civil engineer and landscaping architect if the rezoning was approved. He said he worked very hard to keep the lot coverage at a minimum. With respect to building height a certain height is needed to provide the optimum angle for the solar panels.

Commissioner Forrest said she has a concern that the height of the building to the east and the potential for height to the south of the subject site may compromise the solar panels. Forrest also

stated in her opinion that the size of the proposed building is too much for this R-1 lot. Concluding, Forrest stated rezoning the lot to R-2 isn't a problem; the size of the structure is.

Chair Staunton asked Mortenson to clarify his reasoning for a two-story structure with basement.

Mr. Mortenson explained the proposed layout of the doubles is to provide one level living space with flexibility; achieving life cycle housing. The "main" level provides complete one level living and the flexibility of have guests visit and/or stay and to provide an area for a live-in care provider. Mortenson also reported that square footage is important in providing this flexibility.

Commissioner Carr stated this request in any other location would give her pause; however, this lot is unique, reiterating rezoning the lot to R-2 makes good sense.

Commissioner Scherer agreed with Carr, adding square footage is important in providing the right balance in living space, adding potential owners do desire space.

Commissioner Schroeder questioned why 25% is the magic number. He pointed out no one can really perceive the difference. Schroeder said this proposal could have runoff issues; however, if a Civil Engineer "signs off" on the project as presented he has no issue with the lot coverage variance.

Commissioner Lee reiterated it the size of the structure on the lot that's an issue for her. Her concern regards drainage and changing an R-1 Lot to an R-2 Lot would impact drainage patterns.

Commissioner Staunton reiterated in his opinion the R-2 rezoning is appropriate. He said it appears Mr. Mortenson has responded to the Commission and Council suggestions, adding if drainage issues are satisfied by a Civil Engineer he could support the request as submitted.

Motion

Commissioner Carr moved variance approval subject to submittal of a fence and landscaping plan that provides safety and minimizes the impact of the retaining wall. Approval is also subject to a civil engineer reviewing and approving a storm water and erosion control management plan and subject to permitting from the Watershed District. Carr further suggested that Mr. Mortenson ensure (in writing) that the lower level space of each unit is considered part of the structure and not an approved separate unit. Carr further moved that variance approval is contingent on final rezoning. Commissioner Scherer seconded the motion:

Planner Teague clarified that this request is a two-step process that would be heard again by both the Commission and Council for final approvals.

Ayes Scherer, Schroeder, Carr and Staunton. Nay, Lee, Olson, Platteter and Forrest. Motion failed 4-4.

Commissioner Carr moved to recommend preliminary rezoning approval contingent on approval of the variances. Commissioner Scherer seconded the motion. Ayes; Scherer, Schroeder, Olson, Carr, Platteter, Forrest, Staunton. Nay, Lee. Motion to rezone approved 7-1.

A discussion ensued on what would happen if the site was approval and the double wasn't built; would the single family home be nonconforming. Planner Teague explained it would be nonconforming; however, if rebuilt as a single family home it would have to be built exactly as is today.

VII. REPORTS/RECOMMENDATIONS

A. Sketch Plan – 7200 France Avenue

Planner Presentation

Planner Teague informed the Commission a request to consider a sketch plan proposal to redevelop the 3.51 acre parcel at 7200 France Avenue has been made. Teague said the applicant is requesting consideration of a proposal to tear down the existing office building on the site, and redevelop it with a six and four-story mixed use development project that would include the following:

- 170 unit apartment (6 stories) (20% affordable)
- 25 units of row housing. (4 stories)
- 45,500 square feet of retail space including two restaurants.
- A two-level underground parking ramp.

Teague noted the retail space would be located on the France side of the project. Access to the residential portion of the development would be from 72nd Street. Access to the retail portion would be off of France Avenue. The existing vegetation and trees on the west side of the site would remain to provide screening from the residential area to the west.

To accommodate the request, three amendments to the Comprehensive Plan would be required:

- Building Height – from 4 stories to 6 stories.
- Housing Density – from 30 units per acre to 50.
- Floor Area Ratio – from .5 to 1.88.

A rezoning of all the property would then be required to PUD, Planned Unit Development.

Appearing for the Applicant

Dean Dovolis DJR Architects and Laurie Boisclair, Boisclair Corporation.

Discussion

Commissioner Lee asked what the zoning of the subject site is and if the existing building was non-conforming. Planner Teague responded the subject site is zoned POD, Planned Office District and the building is non-conforming. Teague said the site is proposed to incorporate elements of the mixed use zoning district.

A40

Rollcall:
Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

V. SPECIAL RECOGNITIONS AND PRESENTATIONS

V.A. BRAEMAR GOLF COURSE UPDATE – RECEIVED

Joe Abood, Braemar Golf Course General Manager, introduced himself, described his professional background, and stated he sees great potential with the Braemar Golf Course. The Council welcomed Mr. Abood.

V.B. JULY SPEAK UP EDINA REPORT PRESENTED – TOPIC: CONSERVATION INCENTIVES

Communications Coordinator Gilgenbach presented a summary of opinions, both pros and cons, collected through Speak Up, Edina relating to conservation incentives.

VI. PUBLIC HEARINGS HELD – Affidavits of Notice presented and ordered placed on file.

VI.A. PRELIMINARY REZONING, LOT AREA AND WIDTH VARIANCES, BUILDING COVERAGE VARIANCE AND SIDE YARD SETBACK VARIANCE, 3923 49TH STREET, MATHIAS MORTENSON – RESOLUTION NO. 2014-79 ADOPTED TO DENY

Community Development Director Presentation

Community Development Director Teague presented the request of Mathias Mortenson regarding 3923 49th Street, for preliminary rezoning from R-1 Single Dwelling Unit District to R-2, Double Dwelling Unit District; a lot area variance from 15,000 sq. ft. to 8,816 sq. ft.; lot width variance from 90 feet to 65 feet; building coverage variance from 25% to 32%; and, side yard setback variance from 15 feet to 5 feet 10 inches on the east side. Mr. Mortenson was proposing to tear down a single-family house and construct a new double dwelling unit. Mr. Teague reviewed the Council's past sketch plan consideration and the proponent's attempt to address some of the expressed concerns. It was noted the Planning Commission had recommended approval of the requested rezoning contingent upon approval of the variances. The motion of the Planning Commission related to the requested variances failed on a 4-4 vote. Staff recommended denial based on the rationale that the combination of variances was too much for this particular site; the building would exceed lot coverage; and, a reasonable use existed.

Mr. Teague answered questions of the Council relating to the impact of approving the requested rezoning and denying the requested variances, and lot dimensions within this block. The Council acknowledged written public comment received.

Proponent Presentation

Mathias Mortenson, architect representing the proponent, 2429 Sheridan Avenue, Minneapolis, described design revisions that he believed created an improved project, better fit the neighborhood, and uniqueness of this site. He stated the proposed design accommodated age-in-place housing and asked the Council to approve the request, as revised.

The Council asked questions of Engineer Millner relating to site drainage and stormwater storage capacity and of Attorney Knutson relating to variance conditions to restrict the use to a duplex. Mr. Mortenson defined the revised ridge height and stated a preliminary grading and drainage plan had been developed by his civil engineer and submitted to the Council committing to handling 90% of all drainage and runoff on site. Mr. Mortenson stated the hard surface exterior spaces could be constructed of permeable pavers but the proposed rain gardens would meet the sustainability goal. He indicated the solar panels on a south-facing gable would accommodate electrical needs to reduce consumption of resources.

Mayor Hovland opened the public hearing at 7:52 p.m.

Public Testimony

Nancy Thorvilson, 7221 Oaklawn Avenue, addressed the Council.

Jon Andresen, 4804 Maple Road, addressed the Council.

A41

Ben Hackel, 7105 Glouchester Avenue, addressed the Council.

Member Swenson made a motion, seconded by Member Sprague, to close the public hearing.
Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

Mr. Teague addressed issues raised during public testimony on types of variances that had been considered in this area. Mr. Mortenson indicated his building footprint included all uses on the block but even when considering only the residential-type uses; his proposal remained in line with the average structure. The Council discussed the proposal and asked questions of Mr. Mortenson and Mr. Teague relating to use of the lower level and site drainage. Support was expressed for the improved design, sustainability aspects, and redevelopment of a site bordered on either side by a parking lot.

Council Discussion & Action
Council concern was expressed related to the requested lot coverage variance, lack of hardship required for variance consideration, storm water drainage, ineffective location of two rain gardens at the rear of the property, and potential risk of sanitary infiltration and inflow due to proposed excavations that lacked positive surface drainage. **Member Swenson introduced and moved adoption of Resolution No. 2014-79, Denying Preliminary Rezoning from R-1 to R-2; Lot Area and Width Variances; Building Coverage Variances; and, Side Yard Setback Variances, based on the following findings:**

2.01 The variance criteria are not met.
2.02 The current zoning is consistent with the Comprehensive Plan.
2.03 The multiple variances requested demonstrate the property is not suitable for R-2 zoning.
2.04 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 applicant's desire to build such a large two-family dwelling on the site.
2.05 Reasonable use of the property exists with the two-story single family currently located on the property.
2.06 The size of the proposed structure creates the need for the lot coverage variance, and the side yard setback variance.
2.07 The City has traditionally not granted variances for building lot coverage when tearing down a home (single-family home or duplex) and building a new one.
2.08 Proposed building coverage would be nearly triple the building coverage that exists today with the single family home.

Member Sprague seconded the motion.
Ayes: Bennett, Sprague, Swenson, Hovland
Nays: Brindle
Motion carried.

VII. COMMUNITY COMMENT
No one appeared to comment.

VIII. REPORTS / RECOMMENDATIONS
VIII.D. SKETCH PLAN – 7200 FRANCE AVENUE – REVIEWED
Mayor Hovland explained the purpose of sketch plan review, which did not include a public hearing, noting the application process that followed included four opportunities for public testimony.

A42

CHAPTER 4

FOUNDATIONS

SECTION R401
GENERAL

R401.1 Application. The provisions of this chapter shall control the design and construction of the foundation and foundation spaces for all buildings. Wood foundations shall be designed and installed in accordance with AF&PA PWF.

Exception: The provisions of this chapter shall be permitted to be used for wood foundations only in the following situations:

1. In buildings that have no more than two floors and a roof.
2. When interior *basement* and foundation walls are constructed at intervals not exceeding 50 feet (15 240 mm).

Wood foundations in Seismic Design Category D_0, D_1 or D_2 shall be designed in accordance with accepted engineering practice.

R401.2 Requirements. Foundation construction shall be capable of accommodating all loads according to Section R301 and of transmitting the resulting loads to the supporting soil. Fill soils that support footings and foundations shall be designed, installed and tested in accordance with accepted engineering practice. Gravel fill used as footings for wood and precast concrete foundations shall comply with Section R403.

R401.3 Drainage. Surface drainage shall be diverted to a storm sewer conveyance or other *approved* point of collection that does not create a hazard. *Lots* shall be graded to drain surface water away from foundation walls. The *grade* shall fall a minimum of 6 inches (152 mm) within the first 10 feet (3048 mm).

Exception: Where *lot lines*, walls, slopes or other physical barriers prohibit 6 inches (152 mm) of fall within 10 feet (3048 mm), drains or swales shall be constructed to ensure drainage away from the structure. Impervious surfaces within 10 feet (3048 mm) of the building foundation shall be sloped a minimum of 2 percent away from the building.

R401.4 Soil tests. Where quantifiable data created by accepted soil science methodologies indicate expansive, compressible, shifting or other questionable soil characteristics are likely to be present, the *building official* shall determine whether to require a soil test to determine the soil's characteristics at a particular location. This test shall be done by an *approved agency* using an *approved* method.

R401.4.1 Geotechnical evaluation. In lieu of a complete geotechnical evaluation, the load-bearing values in Table R401.4.1 shall be assumed.

R401.4.2 Compressible or shifting soil. Instead of a complete geotechnical evaluation, when top or subsoils are compressible or shifting, they shall be removed to a depth and width sufficient to assure stable moisture content in each active zone and shall not be used as fill or stabilized within each active zone by chemical, dewatering or presaturation.

TABLE R401.4.1
PRESUMPTIVE LOAD-BEARING VALUES OF FOUNDATION MATERIALS[a]

CLASS OF MATERIAL	LOAD-BEARING PRESSURE (pounds per square foot)
Crystalline bedrock	12,000
Sedimentary and foliated rock	4,000
Sandy gravel and/or gravel (GW and GP)	3,000
Sand, silty sand, clayey sand, silty gravel and clayey gravel (SW, SP, SM, SC, GM and GC)	2,000
Clay, sandy clay, silty clay, clayey silt, silt and sandy silt (CL, ML, MH and CH)	1,500[b]

For SI: 1 pound per square foot = 0.0479 kPa.

a. When soil tests are required by Section R401.4, the allowable bearing capacities of the soil shall be part of the recommendations.

b. Where the building official determines that in-place soils with an allowable bearing capacity of less than 1,500 psf are likely to be present at the site, the allowable bearing capacity shall be determined by a soils investigation.

SECTION R402
MATERIALS

R402.1 Wood foundations. Wood foundation systems shall be designed and installed in accordance with the provisions of this code.

R402.1.1 Fasteners. Fasteners used below *grade* to attach plywood to the exterior side of exterior *basement* or crawl-space wall studs, or fasteners used in knee wall construction, shall be of Type 304 or 316 stainless steel. Fasteners used above *grade* to attach plywood and all lumber-to-lumber fasteners except those used in knee wall construction shall be of Type 304 or 316 stainless steel, silicon bronze, copper, hot-dipped galvanized (zinc coated) steel nails, or hot-tumbled galvanized (zinc coated) steel nails. Electro-galvanized steel nails and galvanized (zinc coated) steel staples shall not be permitted.

R402.1.2 Wood treatment. All lumber and plywood shall be pressure-preservative treated and dried after treatment in accordance with AWPA U1 (Commodity Specification A, Use Category 4B and Section 5.2), and shall bear the *label* of an accredited agency. Where lumber and/or plywood is cut or drilled after treatment, the treated surface shall be field treated with copper naphthenate, the concentration of which shall contain a minimum of 2 percent copper metal, by repeated brushing, dipping or soaking until the wood absorbs no more preservative.

R402.2 Concrete. Concrete shall have a minimum specified compressive strength of f'_c, as shown in Table R402.2. Concrete subject to moderate or severe weathering as indicated in Table R301.2(1) shall be air entrained as specified in Table R402.2. The maximum weight of fly ash, other pozzolans, silica fume, slag or blended cements that is included in con-

The Minnesota Department of Labor and Industry has announced the following adoptions:

- Chapter 1309 2012 International Residential Code with Minnesota amendments and Chapter 1300 Administrative Provisions will become effective **January 24, 2015**. This includes **MN Rules 1309.0313 Fire Sprinkler Systems.**

While the state will be adopting the 2012 International Residential Code, it will be called the 2015 Minnesota Residential Code.

Copies of the 2012 International Residential Code (IRC) with the Minnesota amendments and including the radon and energy codes can be obtained from ICC at http://shop.iccsafe.org/codes/state-and-local-codes/minnesota.html?code_cycle=916. Copies of the Minnesota amendments can be found on the Department of Labor and Industry website at http://www.dli.mn.gov/CCLD/Codes.asp

Minnesota Rules state that ***applications*** received ***on or after*** the effective date of adoption must comply with the new code. So all applications received prior to the effective date will be processed in accordance with the 2007 Minnesota Residential Code. Those received on or after that date will be processed in accordance with the 2015 Minnesota Residential Code.

MN Rules 1309.0313 Fire Sprinkler Systems - This amendment will require fire sprinklers complying with P2904 or NFPA 13D for attached dwellings ***meeting the definition of "townhouse"***, all two family dwellings, and all single family dwellings exceeding 4500 square feet in area. There are a number of issues to consider here. If you have a dwelling with a "mother-in-law" or similar apartment, the building might need a sprinkler system regardless of area. It becomes an interpretation issue regarding whether a second dwelling unit exists. This applies retroactively when a second dwelling unit is installed in an existing dwelling.

If you are building row type dwellings that do not meet the definition of "townhouse", you should contact the Building Department for assistance early in the planning phase so you do not experience any surprises. The 4500 square foot area trigger includes all floors and basements excluding garages. By definition this would include sunrooms and similar enclosed areas. The area does not include an open porch that only has a common wall with the dwelling. Any other floor area enclosed in any way contributes to the 4500 square foot area limit.

Because additions can be made to existing homes that don't have sprinkler systems, you may wish to consider the timing of construction of sunrooms or other portions of the dwelling if that fits your plans or if the area of those structures places you above the limit. Again, the term "existing building", while blatantly clear, is subject to interpretation.

Regarding the design of sprinkler systems, you will be guided by P2904 (if available) or NFPA 13D. DLI has put in place requirements exceeding those standards by amendment. They include requirements for at least one sprinkler head in attached garages and one head for every 20 lineal feet of common wall where attached covered patios, covered decks, and covered porches occur unless the area is 40 square feet or less. No definitions are provided for the terms "attached covered patios", "covered decks", and "covered porches". There is likely to be a lack of uniformity in the application of this section. It is important to point out that P2904 and NFPA 13D do not require any exterior heads or heads in garages. Those documents were not amended by DLI. Obviously a conflict occurs. The rules of interpretation found in Chapter 1300 do not provide clear guidance other than to further confuse the matter. You will certainly see conflicting opinions on this requirement.

Detailed plans for residential sprinklers must be submitted for review and additional inspections will be required at various stages of construction. Service sizes must accommodate sprinkler systems. Because water conditioning systems may restrict flows to sprinkler systems, you would be doing your customers a favor by including the possibility of a water softener in your design calculations. Additional permits and fees may be applicable.

Jackie Hoogenakker

From: David Cartwright <dcartwright@crplab.com>
Sent: Tuesday, June 02, 2015 2:22 PM
To: Jackie Hoogenakker
Subject: 2015.006 3923 49th st

To Edina Planning Commission,
I am opposed to the request for the tearing down of a single family dwelling and replacing it with a duplex. There is already too much construction, traffic, congestion in our neighborhood, why make it worse. How about honoring the zoning ordinances that are in place without creating special exceptions for more development. The charm of the White Oaks neighborhood is rapidly dissipating, 49th st is a morass of construction, an eye sore and foul.
Respectfully submitted,
David Cartwright