

REPORT / RECOMMENDATION



To: MAYOR AND COUNCIL

Agenda Item #: VI.A.

From: Cary Teague, Community Development Director

Action

Discussion

Information

Date: July 15, 2014

Subject: Public Hearing; Preliminary Rezoning, Lot Area and Width Variances, Building Coverage Variance and Side Yard setback Variance at 3923 49th Street, Mathias Mortenson, Resolution No. 2014-79.

Action Requested:

Planning Commission Recommendation: On June 25, 2014 the Planning Commission made a motion to approve the requested rezoning and variances. The motion failed on a 4-4 Vote.

The Planning Commission further recommended approval of the rezoning contingent on the approval of the variances as requested. Vote: 7 Ayes & 1 Nay. (See attached minutes.)

Staff Recommendation: Staff recommends denial of the rezoning and variances per the findings in the Planning Commission staff report and Resolution No. 2014-79.

If the Council wishes to approve the rezoning and variance; authorize staff to draft a resolution approving the rezoning and variances to be brought back at the August 4th Council meeting.

Information / Background:

Mathias Mortenson is proposing to tear down a single-family home and construct a new double dwelling unit at 3923 49th Street. (See property location on pages A1–A5, and the applicant's plans and narrative on pages A6-A33 in the Planning Commission Staff Report.) The property is located adjacent to the 50th and France retail area; just north of the former Edina Realty Building site, now owned by the City of Edina, and east of a four story apartment building. To accommodate the request the applicant is requesting the following:

- A Preliminary Rezoning from R-1, Single Dwelling Unit District to R-2, Double Dwelling Unit District;
- Lot Area Variance from 15,000 s.f. to 8,816 s.f.;
- Lot Width Variance from 90 feet to 65 feet;
- Building Coverage from 25% to 32%; and
- Side yard setback Variance from 15 feet to 5 feet 10 inches on the east side.

The applicant went through a Sketch Plan review with the Planning Commission and City Council. (See the minutes from each review on pages A34–A37.) In an effort to address some of the concerns raised, the applicant has eliminated one of the drive entrances to the site, and the handicap accessible walkway to sidewalk to the front of the house. This reduced the impervious surface on the lot. (See side by side comparison on page A8-A9.) The applicant has also slightly reduced the footprint of the structure,

eliminated the front yard and side yard setback variances, and the retaining wall setback variance. The mass and scale of the structure architecture of the structure remain generally the same. (See pages A18–A19.)

The applicant narrative indicates a building coverage variance from 25% to 28%, however, the patios were not taken into account. City Code requires patios to be included in the building coverage calculation, with a 200 square foot credit. The patios total 648 square feet, therefore, 448 square feet must be added to the building coverage. The building coverage with the 448 square feet added is 32%. The applicant is proposing to use pervious pavers as part of the patio. While the pervious pavers would assist in site runoff, the city does not have an Ordinance provision to reduce impervious surface requirement with the use of pervious pavers. Variances would still be required for lot coverage even if full credit were given to the pervious pavers.

ATTACHMENTS:

- Minutes from the June 25, 2014 Edina Planning Commission meeting
- Memo from the environmental engineer
- Planning Commission Staff Report, June 25, 2014



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

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.
- 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;
 4. Building Coverage from 25% to 32%; and
 5. Side yard setback Variance from 15 feet to 5 feet 10 inches on the east side.
- 1.04 On June 25, 2014 the Planning Commission made a motion to approve the requested rezoning and variances failed on a 4-4 Vote.
- 1.05 On June 25, 2014, The Planning Commission recommended approval of the rezoning contingent on the approval of the variances as requested. Vote: 7 Ayes & 1 Nay.

Section 2. FINDINGS

- 2.01 The variance criteria are not met.
- 2.02 There are no practical difficulties in complying with the zoning ordinance. The property owner does not propose to use the property in a reasonable manner prohibited by the zoning ordinance. It is not reasonable to deviate from the ordinance requirements when there is nothing unique about the property that justifies the variances. The need for variances is caused by the applicants desire to build such a large two-family dwelling on the site.
- 2.03 Reasonable use of the property exists with the two-story single family currently located on the property.
- 2.04 The size of the proposed structure creates the need for the lot coverage variance, and the side yard setback variance.

2.05 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.

2.06 Proposed building coverage would be nearly triple the building coverage that exists today with the single family home.

Section 3. DENIAL

NOW THEREFORE, it is hereby resolved by the City Council of the City of Edina that the preliminary rezoning, lot area and width variances; building coverage variance and side yard setback variances proposed at 3923 49th Street are denied.

Adopted by the city council of the City of Edina, Minnesota, on July 15, 2014.

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 15, 2014, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this ____ day of _____, 2014.

City Clerk

**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

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 Mortenson 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 to 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 approved 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.

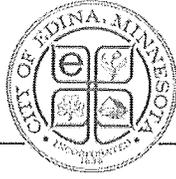
A rezoning of all the property would then be required to PUD, Planned Unit Development.

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.



DATE: June 25, 2014

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 and for general adherence to the following ordinance sections:

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

This review was performed at the request of the Planning Department and assumes the attached documents were submitted for building permit review. A more detailed review will be performed at the time of building permit application. Two high priority comments are in **bold**.

1. A separate permit may be required from Minnehaha Creek Watershed District: www.minnehahacreek.org/
2. Site survey should follow the standard described in policy SP-005-B included in the building permit application packet.
3. **There are 6+ retaining walls in close proximity to the neighboring property to the west. 4'+ wall will require structural engineering. This configuration is atypical for this land use, and represents a hazard to personal safety. Practically, this wall may also require temporary easement or permission from the neighboring property to be constructed.**

Street and Curb Cut

4. It appears application may utilize existing drive entrance. 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

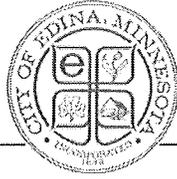
Sanitary and Water Utilities

5. **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.**
6. Show utility connections.

Storm Water Utility

ENGINEERING DEPARTMENT

7450 Metro Boulevard • Edina, Minnesota 55439
www.EdinaMN.gov • 952-826-0371 • Fax 952-826-0392



7. 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.
8. The subject site rear and side yard also drains to subwatershed MHS_58. This drainage path is through city property to the south and then to 49 ½ Street West public system.
9. Applicant may review local drainage features at the following links: <https://maps.barr.com/edina/> and http://edinamn.gov/index.php?section=engineering_water_resource
10. Required storm water and erosion control precautions are described below.

Site Storm Water

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

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

11. A storm water management plan signed by a Professional Engineer is required:
 - a. Mitigate increase volume to MHS_71.
 - b. Minnehaha Creek Watershed District standards, if applicable.

Grading, Erosion and Sediment Control

12. A grading and erosion control plan signed by a Professional Engineer is required.
 - c. Provide erosion and sediment control precautions described under Edina City Code Chapter 10, Article 7 – Littering in the Course of Construction Work (10-341 to 10-345).
 - d. Identify on the plan the individual responsible for the cleanliness of the site and the maintenance of the erosion and sediment controls.
 - e. Describe stockpile locations.
 - f. Describe site access and precautions against undue soil compaction.
 - g. Include provisions for temporary erosion control.
 - h. Identify pollution prevention techniques that will be used in the case of temporary pumped discharge.
 - i. Identify pollution prevention techniques that will be used for concrete washout, and hazardous waste storage and handling.
 - j. Provide inlet protection for all storm sewer inlets downstream of the site within one block or as directed by the City.

ENGINEERING DEPARTMENT

7450 Metro Boulevard • Edina, Minnesota 55439
www.EdinaMN.gov • 952-826-0371 • Fax 952-826-0392



PLANNING COMMISSION STAFF REPORT

Originator Cary Teague Director of Planning	Meeting Date June 25, 2014	Agenda # VI.B.
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INFORMATION/BACKGROUND

Project Description

Mathias Mortenson is proposing to tear down a single-family home and construct a new double dwelling unit at 3923 49th Street. (See property location on pages A1–A5, and the applicant’s plans and narrative on pages A6-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:

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The applicant went through a Sketch Plan review with the Planning Commission and City Council. (See the minutes from each review on pages A34–A37.) In an effort to address some of the concerns raised, the applicant has eliminated one of the drive entrances to the site, and the handicap accessible walkway to sidewalk to the front of the house. This reduced the impervious surface on the lot. (See side by side comparison on page A8-A9.) The applicant has also slightly reduced the footprint of the structure, eliminated the front yard and side yard setback variances, and the retaining wall setback variance. The mass and scale of the structure architecture of the structure remain generally the same. (See pages A18–A19.)

The applicant narrative indicates a building coverage variance from 25% to 28%, however, the patios were not taken into account. City Code requires patios to be included in the building coverage calculation, with a 200 square foot credit. The patios total 648 square feet, therefore, 448 square feet must be added to the

building coverage. The building coverage with the 448 square feet added is 32%. The applicant is proposing to use pervious pavers as part of the patio. While the pervious pavers would assist in site runoff, the city does not have an Ordinance provision to reduce impervious surface requirement with the use of pervious pavers. Variances would still be required for lot coverage even if full credit were given to the pervious pavers.

SUPPORTING INFORMATION

Surrounding Land Uses

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

Existing Site Features

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

Planning

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

Grading/Drainage/Utilities

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

Please note that the grading plans were not done by a licensed professional engineer. This application predates that current application requirement. If the Planning Commission and/or City Council approve this project, it would be a Preliminary approval. A condition of approval should therefore, be that a grading, drainage and stormwater control plan, done by a licensed professional engineer, be submitted with the final rezoning application to be

considered by the Planning Commission and Council during final consideration.

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 A14.) Should the applications be approved, a condition should be added that these not become separate dwelling units.

Compliance Table

	City Standard (R-2)	Proposed
<u>Building Setbacks</u>		
Front	34.5 feet	35 feet
Side	15 feet	15 feet 6 inches
Side	15 feet	5 feet 10 inches*
Rear	35 feet	36 feet
Retaining Wall Setback	3 feet	4 feet
Lot Width	90 feet	65 feet*
Lot Area	15,000 square feet	8,816 square feet*
Building Height	30 feet	28 feet
Building Coverage	25%	32%*

***Variance Required**

PRIMARY ISSUES/STAFF RECOMMENDATION

Primary Issues

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

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

1. The proposed use would fit in to the neighborhood. This neighborhood consists of both single-family and two-family dwellings. (See pages A4 and A22-A32.) Two dwelling units are the predominant uses on this block.

2. The proposed use is consistent with the Comprehensive Plan. The site is guided for Low Density Attached Residential. The proposed duplex would fit that category. Duplexes serve as a transitional land use area between the commercial properties to the south and the single-family residential area to the north.

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

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

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

The City has traditionally not granted lot coverage variances. No lot coverage variances have been granted for a tear down and rebuild of a single-family home or duplex.

Concern was also raised in regard to the retaining walls and safety. The applicant has addressed the issue by eliminating one of the driveways, and moved the retaining wall four feet away from the side lot line. (See page A12.)

3. The variance criteria are not met. Per state law and the Edina Zoning Ordinance, a variance should not be granted unless it is found that the enforcement of the ordinance would cause practical difficulties in complying with the Zoning Ordinance and that the use is reasonable. As demonstrated below, staff believes the proposal does not meet the variance standards, when applying the three conditions:

a) *Will the proposal relieve practical difficulties that prevent a reasonable use from complying with the ordinance requirements?*

No. Reasonable use does not mean that the applicant must show the land cannot be put to any reasonable use without the variance. Rather, the applicant must show that there are practical difficulties in complying with

the code and that the proposed use is reasonable. "Practical difficulties" may include functional and aesthetic concerns.

The practical difficulty is caused by the small size of the subject property. As demonstrated on page A4, the lot is the smallest lot on the south side of 49th Street. It is similar in size to the lots across the street, which contains single-family homes. However, the proposed home on this small lot would be too large for the site. The size of the proposed structure creates the need for a lot coverage variance, and side yard setback variances.

As mentioned above, the city has traditionally not granted variances for building lot coverage. Therefore, staff believes the proposed home is not reasonable for the size of this small lot.

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

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

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

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

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

Yes. The proposed structure is too large for this lot. No setback or lot coverage variances have been granted on any of the lots on this block, on which new duplexes have been built.

Staff Recommendation

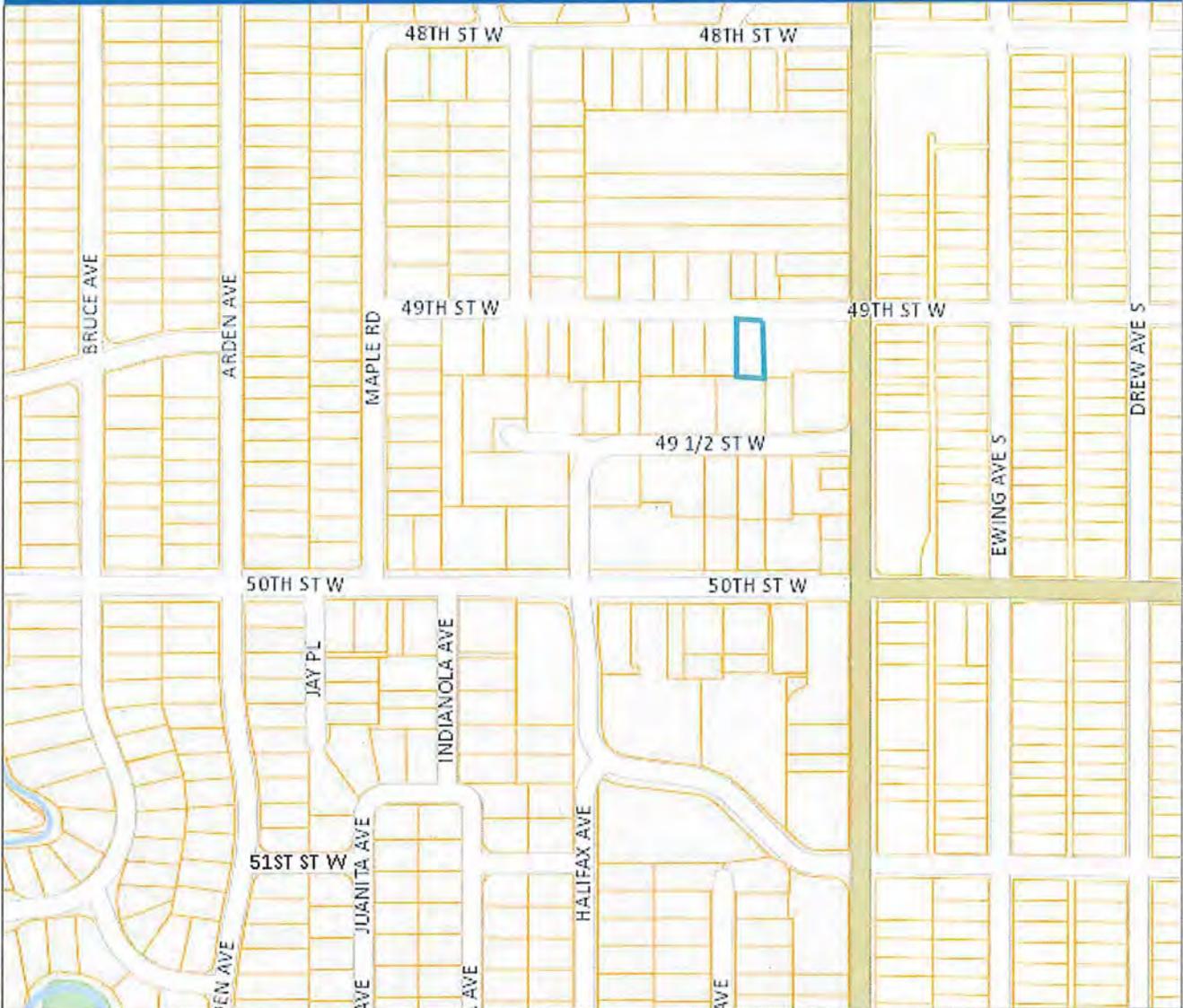
Recommend that the City Council deny the proposed Rezoning and Variances at 3923 49th Street. Denial is based on the following findings:

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

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

3. Reasonable use of the property exists with the two-story single family currently located on the property.
4. The size of the proposed structure creates the need for the lot coverage variance, and the side yard setback variance.
5. 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.
6. Proposed building coverage would be nearly triple the building coverage that exists today with the single family home.

Deadline for a city decision: July 15, 2014



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

Owner Name: Baker Bean Llc

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

Property Type: Residential

Home-stead:

Parcel Area: 0.21 acres
9,086 sq ft

A-T-B:

Market Total:

Tax Total:

Sale Price:

Sale Date:

Sale Code:

Map Scale: 1" ≈ 400 ft.

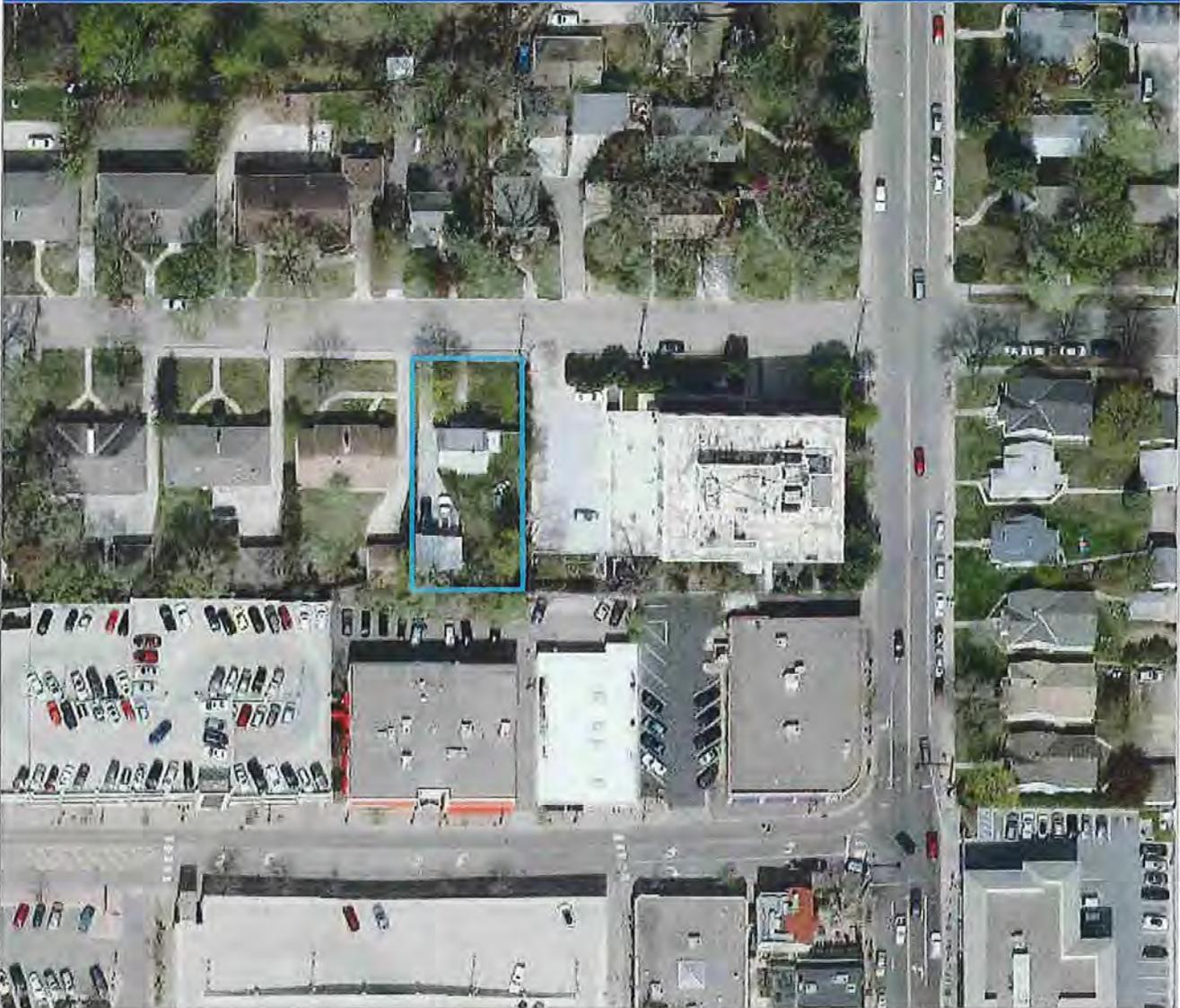
Print Date: 1/14/2014



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Owner Name:

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Edina, MN 55424

Property Type: Residential

Home-
stead:

Parcel Area: 0.21 acres
9,086 sq ft

A-T-B:

Market Total:

Tax Total:

Sale Price:

Sale Date:

Sale Code:

Map Scale: 1" ≈ 100 ft.

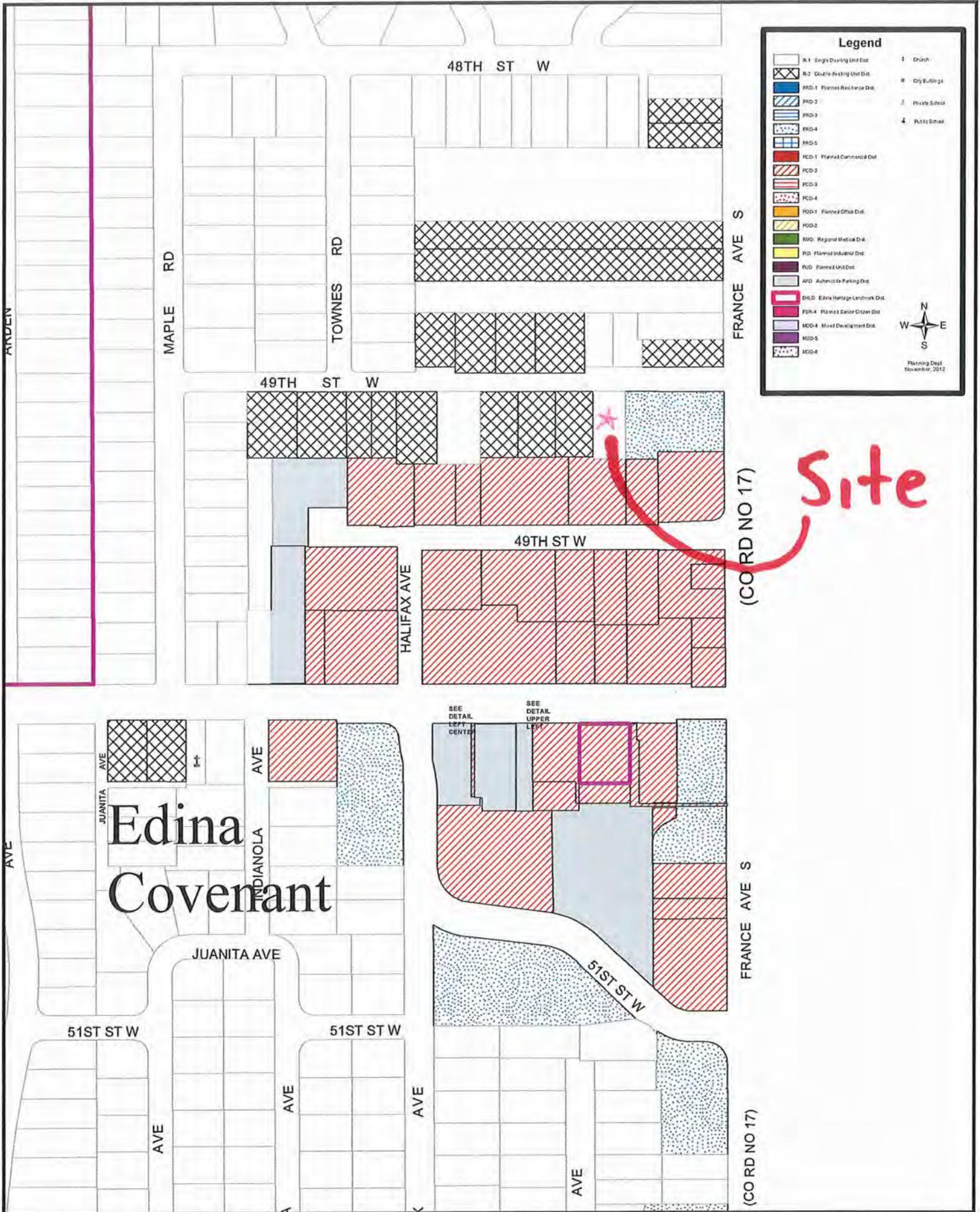
Print Date: 1/14/2014



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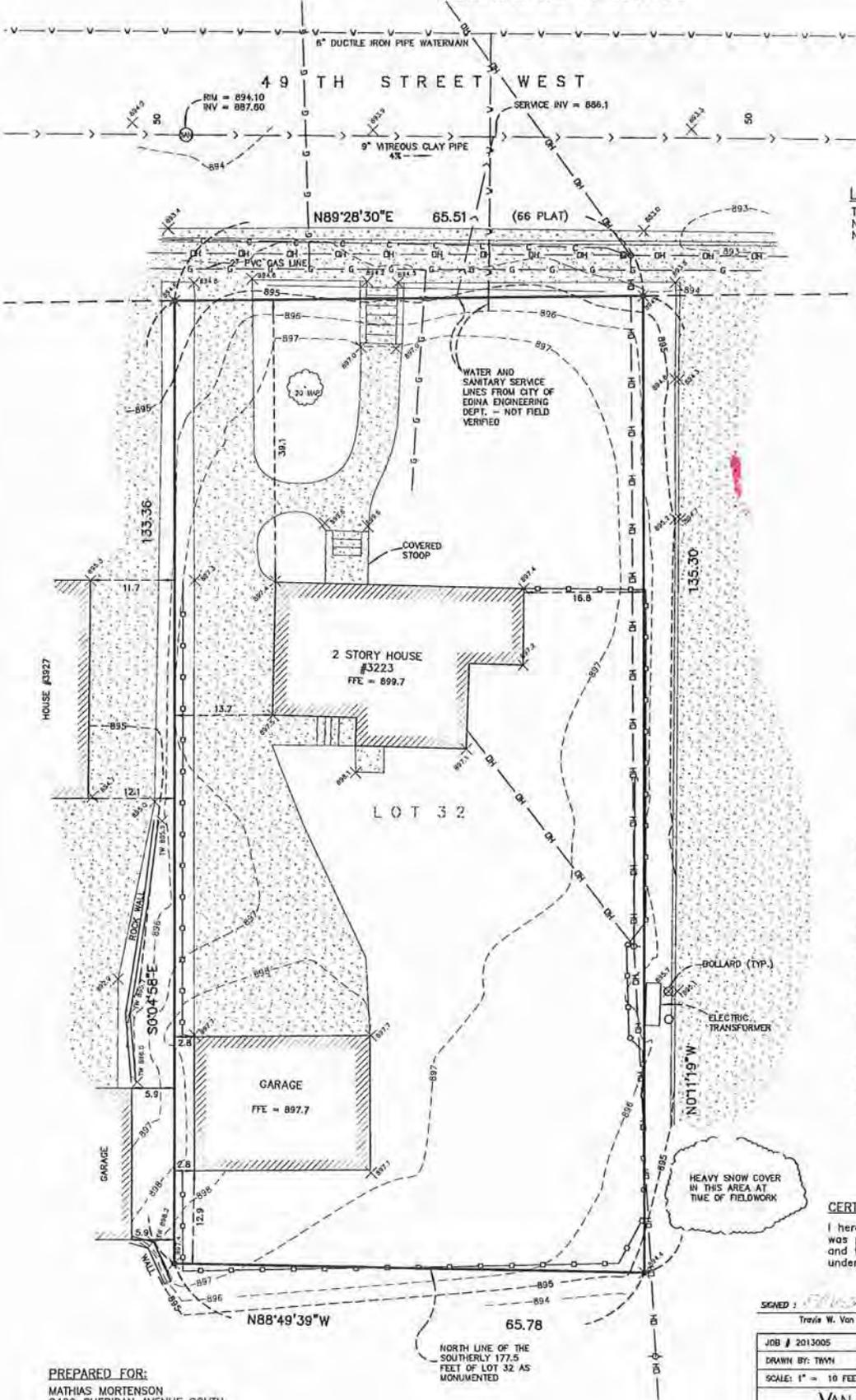
Legend

[Symbol]	R-1 Single Dwelling Unit Dist.	1	Crunch
[Symbol]	R-2 Double Dwelling Unit Dist.	8	City Building
[Symbol]	FRD-1 Planned Residence Dist.	2	Private School
[Symbol]	FRD-2	4	Public School
[Symbol]	FRD-3		
[Symbol]	FRD-4		
[Symbol]	FRD-5		
[Symbol]	PCD-1 Planned Commercial Dist.		
[Symbol]	PCD-2		
[Symbol]	PCD-3		
[Symbol]	PCD-4		
[Symbol]	POD-1 Planned Office Dist.		
[Symbol]	POD-2		
[Symbol]	RM Regional Medical Dist.		
[Symbol]	RI Planned Industrial Dist.		
[Symbol]	RD Planned Office Dist.		
[Symbol]	AFD Automatic Parking Dist.		
[Symbol]	EDL Edina Heritage Landmark Dist.		
[Symbol]	FSR-4 Planned Senior Citizen Dist.		
[Symbol]	MCD-4 Mixed Development Dist.		
[Symbol]	MCD-5		
[Symbol]	MCD-6		

Planning Dept
November, 2012

A4

CERTIFICATE OF SURVEY



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

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

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

HARDCOVER CALCULATIONS:
 HOUSE: 642 SQ. FT.
 GARAGE: 456 SQ. FT.
 CONCRETE: 1,704 SQ. FT.
 TOTAL HARDCOVER: 2,802 SQ. FT OR 31.8%

CERTIFICATION:
 I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.

SIGNED: *Travis W. Van NESTE*
 Travis W. Van Neste, Minnesota Professional Surveyor #44109
 Michigan Professional Surveyor #16595

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

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

VNS
SHEET 1 OF 1

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

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

AS

REZONING + VARIANCE APPLICATION
3923 49TH STREET
PREPARED FOR THE CITY OF EDINA
JUNE 10, 2014

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.

In February, this project was brought before the Planning Commission and the City Council. In addition a draft staff report was completed in March. This re-submission addresses to the greatest extent possible the various issues raised by those three entities.

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.

One other factor may also serve as an extenuating circumstance, and that is the recent purchase by the city of the commercial property to the south. The existing Edina Realty building has since been demolished and an expansion of the nearby parking ramp is currently being considered. While this may not have a direct bearing on how this proposal is evaluated, it does present a very real hardship to the owner, potentially diminishing the value of the property and casting shadows on the rear yard for much of the day.

For these reasons, and others, it is our hope that the City shares our view that our project's proposed 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:

REZONING + VARIANCE APPLICATION
3923 49TH STREET
PREPARED FOR THE CITY OF EDINA
JUNE 10, 2014

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.

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.

RESPONSE TO COUNCIL, COMMISSION, PLANNING + NEIGHBORS:

Below is a list of the concerns as expressed in the preliminary zoning review as stated in the City Council minutes, February 3, 2014: “(1.) Reconfigure the garages to require one driveway/curb cut and lower impervious surface; (2.) assure safety (guardrail/fence/landscaping) was sufficient along the retaining wall; (3.) refine the building plan to lower lot coverage/building height/hardscape; (4.) assure architectural elements and site components meet the essential character of the existing neighborhood; and, (5.) consider feasibility of repurposing the existing single-family home.”

1A. RECONFIGURE GARAGES/PARKING LAYOUT

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

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

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



BEFORE



AFTER

1B. IMPERVIOUS SURFACE + STORMWATER RUNOFF

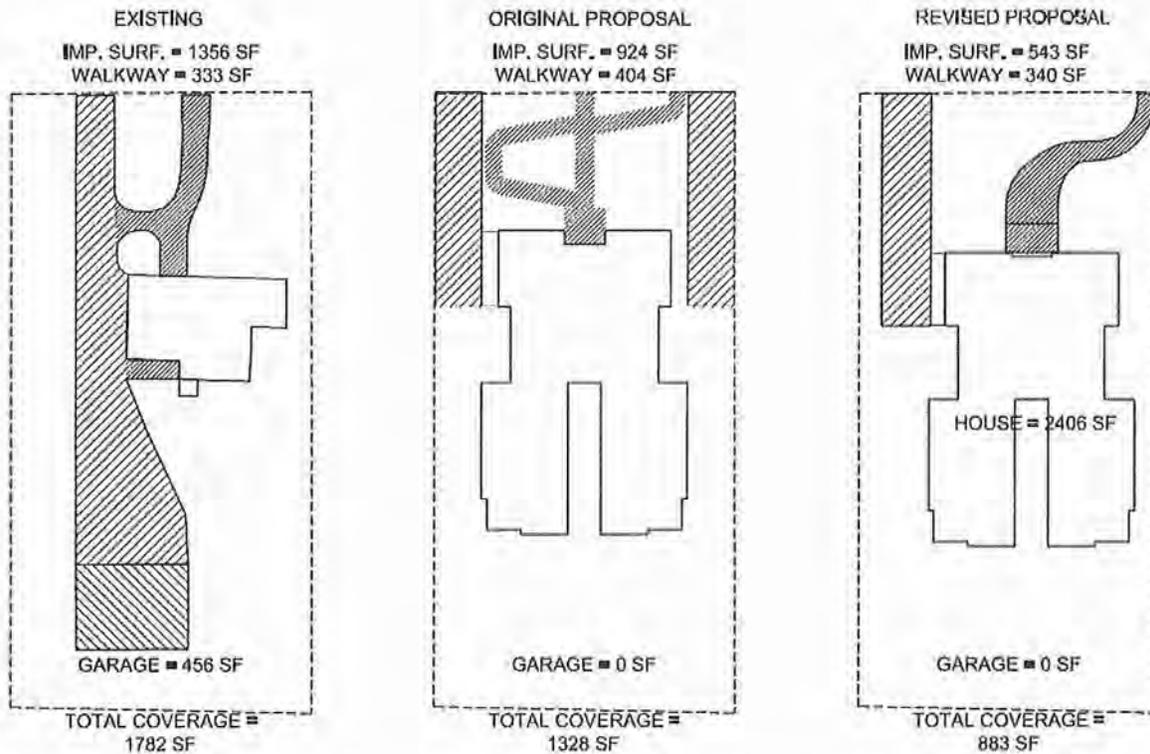
CONCERN: The original design proposed an ADA accessible ramp to the front entry and a two-driveway parking layout that raised concerns regarding:

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

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

1. Patio sizes were reduced

2. The front entry steps were eliminated, and one
 3. One drive was eliminated,
- Together, this resulted in considerable reductions in impervious surface as illustrated by the below study:



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

2. RETAINING WALL/SAFETY

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

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

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

1. A stepped or canted wall for one side of the drive presents a softer surface
2. An ivy wall is proposed to cover the rear (or southernmost) wall
3. The exposed retaining walls will be stained or colored concrete so as to provide a warmer, more appealing aesthetic

4. A strip of plantings along one retaining wall will prevent any access to the wall edge. The wall on the opposite side of the drive was essentially eliminated by manipulating the grading.

3A. SITE COVERAGE + BUILDING INTENSITY

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

1. It represents a higher intensity than is typical for the neighborhood, and
2. It reduces the amount of useable exterior greenspace.

RESPONSE: The total site coverage has been reduced from 28.2% to 27.1%. This is the most that could be reduced without compromising the goal of providing an accessible form of single-floor living. We believe that our site is unusual in a number of regards and that the proposed coverage does not represent an unduly intense amount given the context (see related Zoning Narrative).

3B. BUILDING HEIGHT

CONCERN: The concern was that the retaining walls for the parking, together with the gable would render the building overly high for the neighborhood.

RESPONSE: The peak of the gable and the elevation of the eave were lowered by one and a half feet. The retaining wall for the side drive was also treated in a way that would make it seem shorter and distinct from the building structure.

4. EXISTING CHARACTER

CONCERN: The previous design did not specifically address this concern. The block does not consist of any predominant style. The houses range from small single family bungalows at street level to larger homes atop hills; from simple low-rise, hiproofed duplexes to large, articulated-gable duplexes; and from one- and two-story dwelling units to a four story apartment building. Despite this lack of architectural continuity, there is still a predominant 'feel' to the street which is largely constituted, as in many other city neighborhoods, by a well-developed greenscape consisting of mature shade trees near the street and a variety of hedges, arborvitae, and smaller-scale landscaping near the homes. This revision proposes a landscaping similar to established patterns on the street, consisting of at least one medium-sized trees in the front lawn and smaller-scale shrubbery at the front of the house.

5. REPURPOSE EXISTING BUILDING

This idea was explored but is challenged by two significant issues: 1.) It is cost-prohibitive, and 2.) It requires a second site on which to situate the house

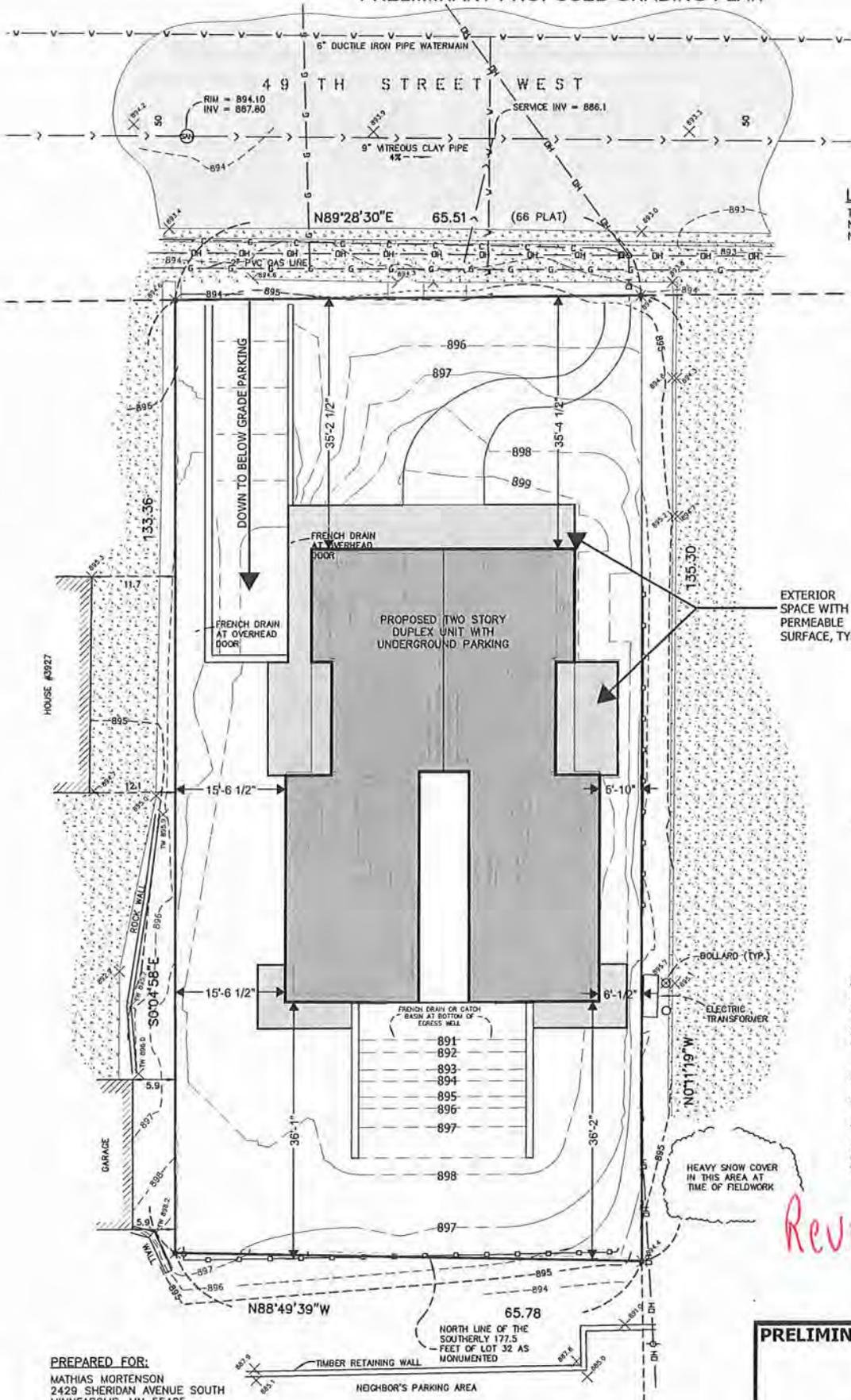
6. ADDITIONAL CONCERNS: NUMBER OF VARIANCES

CONCERN: The re-zoning and the proposed design triggered multiple variance requests, suggesting the possibility that the use, or the design, or both were not viable at the site.

RESPONSE: A number of moves were made, in addition to those stated above, that have made the building more compliant.

1. The building was shifted four feet to the south to eliminate a need for a rear yard setback
2. The building was shifted five feet to the east to eliminate a need for a side yard setback. This move also was made to be more sensitive to the residence to the west which otherwise may have had some portion of their lawn cast in shadow. Additionally, moving the house closer to the apartment building has no negative effects since there is only a surface level parking lot there. This has been confirmed in discussions with the proprietors of the apartments.
3. The side drive was shifted three feet to the east to eliminate a need for a zero lot line retaining wall.

PRELIMINARY PROPOSED GRADING PLAN



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

LEGEND:

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

NOTES:

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- 2) ADDRESS OF THE SUBJECT PROPERTY: 3923 49TH STREET WEST, EDNA, MN 55410
P.I.D.: 18-028-24-14-0027
- 3) PARCEL AREA: 8,816 SQ. FT.
- 4) BEARING BASIS IS ASSUMED.
- 5) DATE OF FIELDWORK: 2-11-2013
- 6) BENCHMARK: TOP NUT HYDRANT AT SW CORNER OF FRANCE AVE AND 49TH STREET WEST. ELEVATION = 887.72 (NGVD)

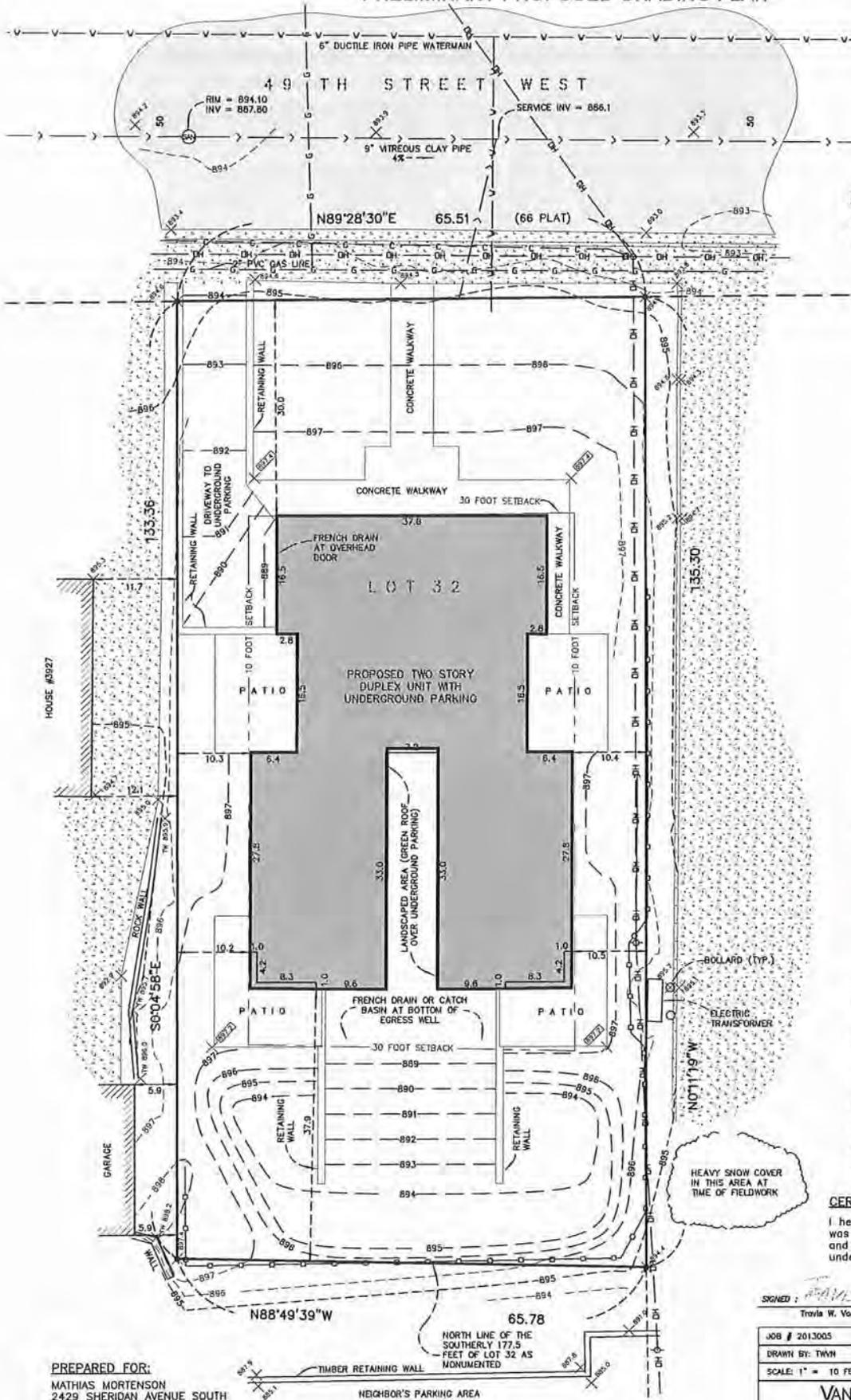
Revised Plan

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

PRELIMINARY PROPOSED GRADING PLAN
**DRAFT
 VERSION**

A12

PRELIMINARY PROPOSED GRADING PLAN



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

LEGEND:

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- ⊕ PROPOSED SPOT ELEVATION
- ⊕ EXISTING SPOT ELEVATION
- EXISTING CONTOUR LINE
- PROPOSED CONTOUR LINE

Previous Plan

NOTES:

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CERTIFICATION:

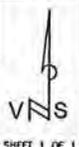
I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.

SIGNED: *Travis W. Van Neste*

Travis W. Van Neste, Minnesota Professional Surveyor #44109
 Michigan Professional Surveyor #16695

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

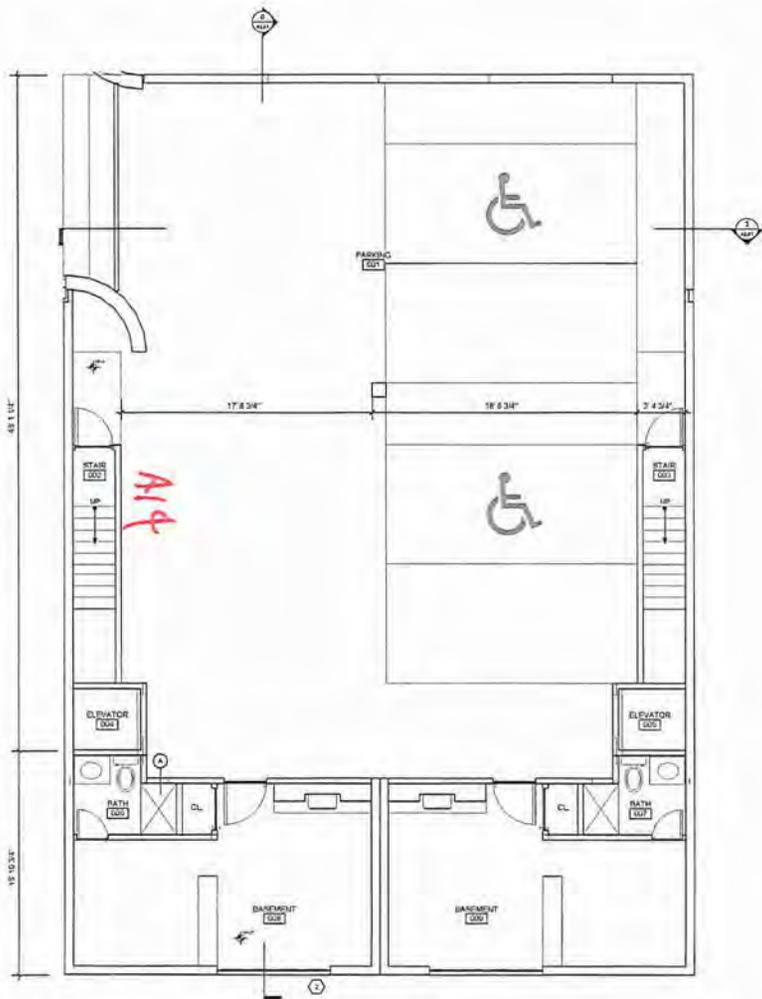
VAN NESTE SURVEYING
 PROFESSIONAL SURVEYING SERVICES
 85 WILDHURST ROAD EXCELSIOR, MN 55331
 PHONE (952) 686-3055 TOLL-FREE FAX (866) 473-0120
 WWW.VANNESTESURVEYING.COM



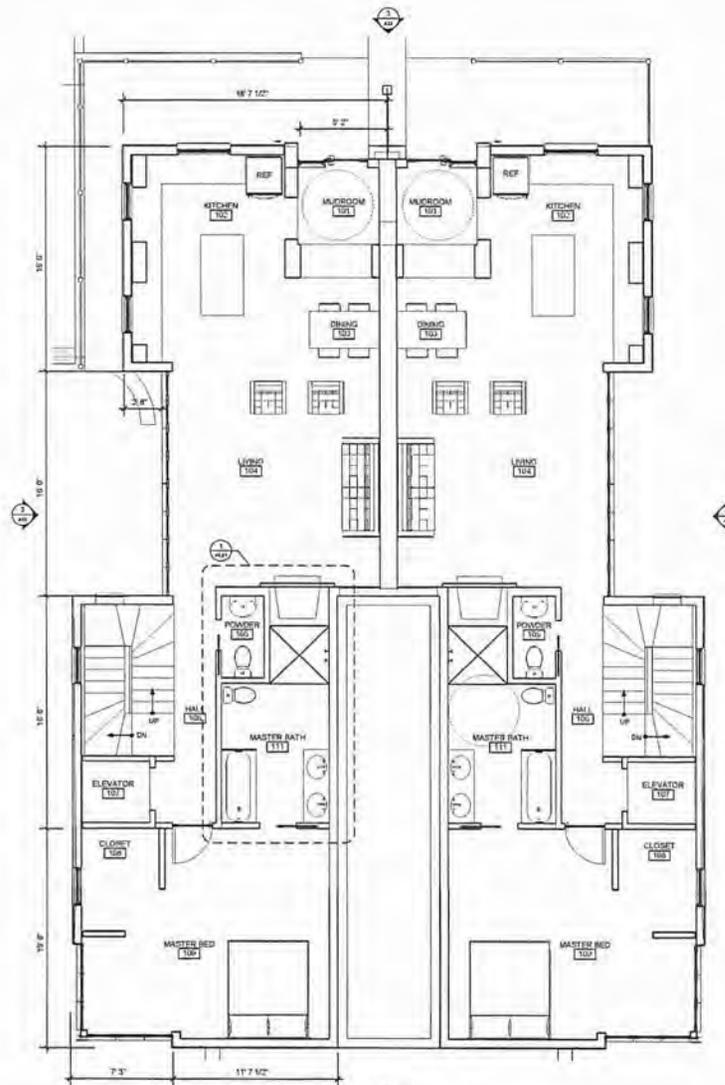
PREPARED FOR:
 MATHIAS MORTENSON
 2429 SHERIDAN AVENUE SOUTH
 MINNEAPOLIS, MN 55405

N88°49'39"W 65.78
 NORTH LINE OF THE SOUTHERLY 177.5 FEET OF LOT 32 AS MONUMENTED
 TIMBER RETAINING WALL
 HEDQIBOR'S PARKING AREA

A13



1 FLOOR PLAN - LEVEL 0



2 FLOOR PLAN - LEVEL 1

DOUBLE DWELLING
3923 49th STREET
EDINA, MN

ARCHITECT:
MATHIAS MORTENSON
2423 SHERIDAN AVE.
MINNEAPOLIS MN 55405
612-555-3745

CONTRACTOR:

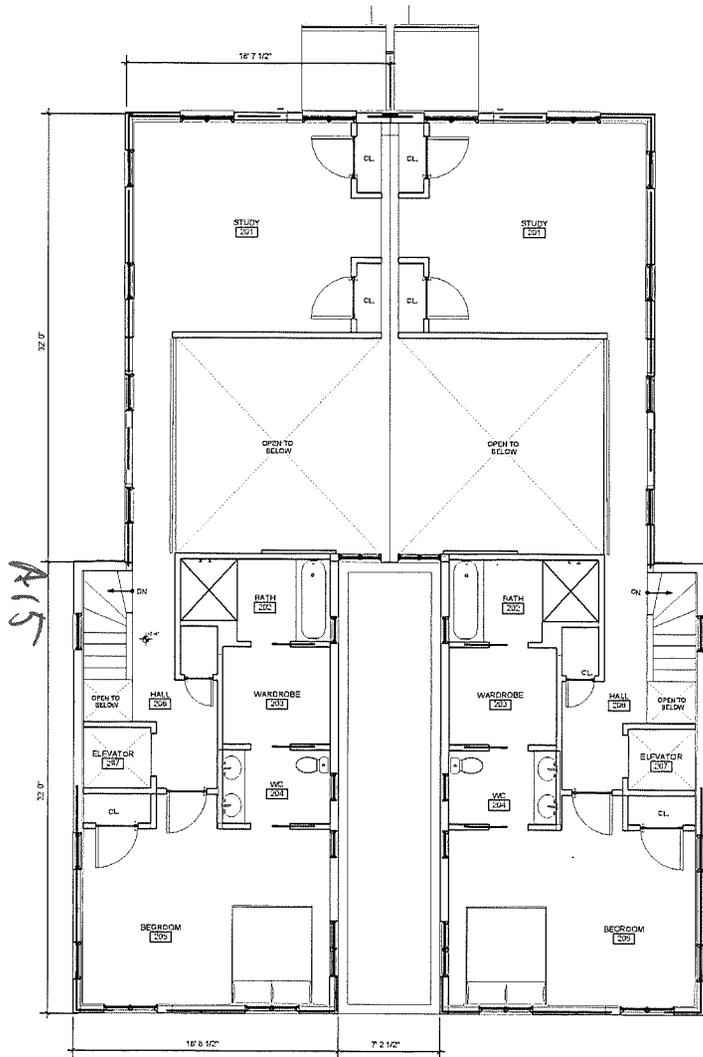
DRAWN BY
M-H-M

ISSUE
14.02.28 RE-ZONING
14.06.10 RESUBMIT

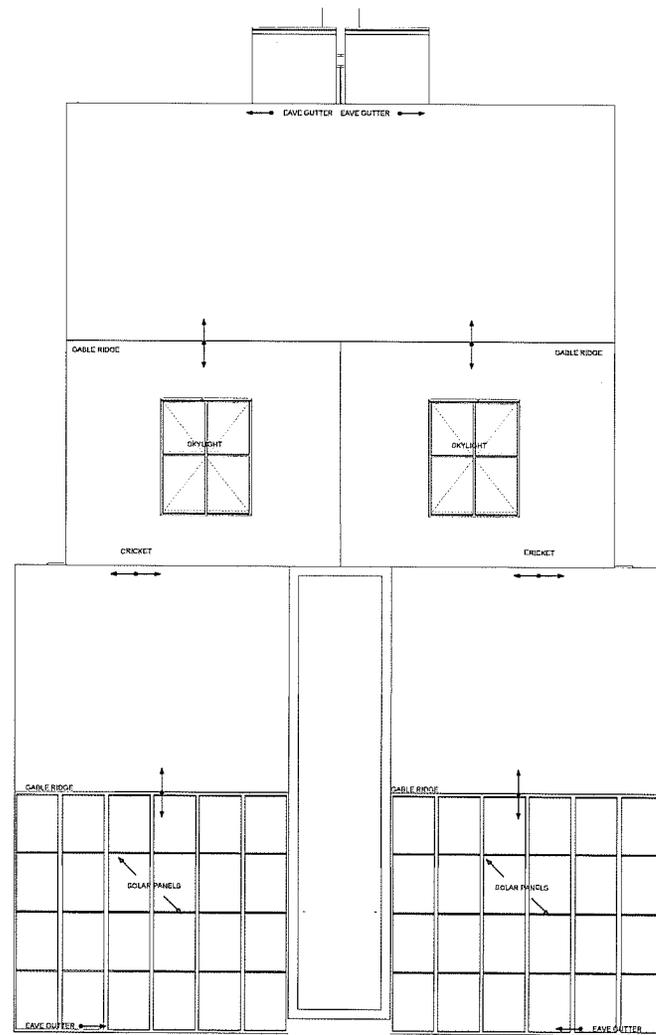
KEY PLAN

FLOOR PLANS
LEVEL 0
LEVEL 1

A2.01



1 FLOOR PLAN - LEVEL 2
1/8\"/>



2 ROOF PLAN - LEVEL 3
1/8\"/>

DOUBLE DWELLING
3923 49th STREET
EDINA, MN

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

CONTRACTOR:

DRAWN BY
MHM

ISSUE
14.02.28 RE-ZONING
14.06.10 RESUBMIT

KEY PLAN

FLOOR PLANS
LEVEL 2
LEVEL 3

A2.02

AL6



CP-1 PERMEABLE CONCRETE PAVERS



T-1 1" x 1" MOSAIC TILE



ST-1 BOTTICINO MARBLE SILL AND TRIM, HONED FINISH



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



WD-1 VERTICAL CEDAR SIDING; COLOR: MISSION BROWN



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

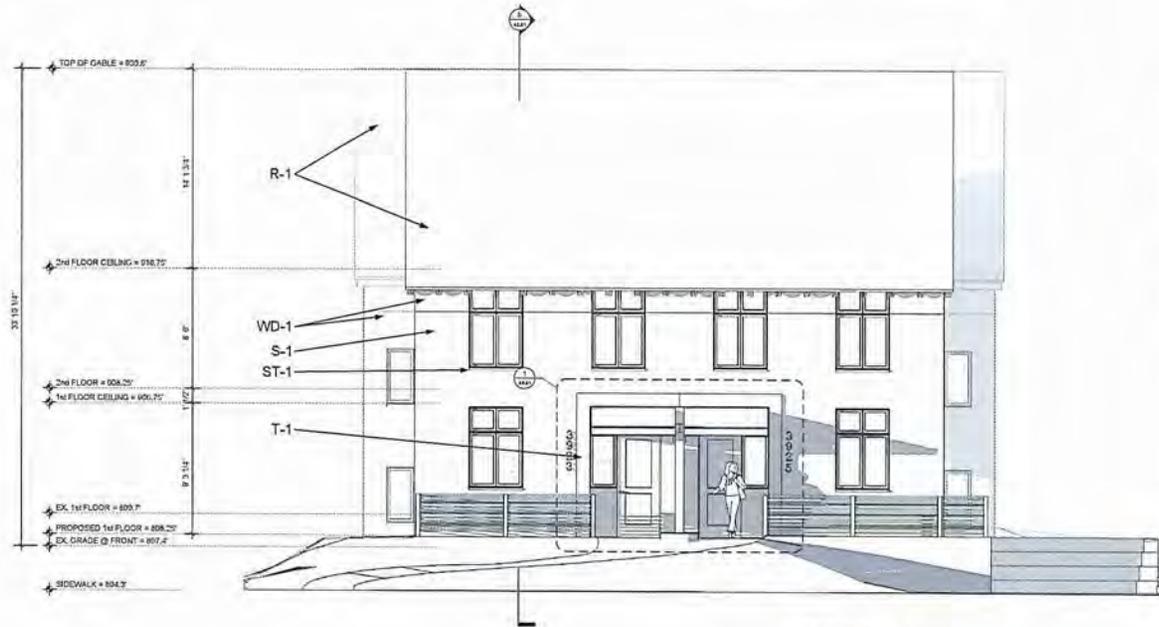


SP-1 SUNMODULE SOLAR PANEL, SW 250 MONO OR APPROVED EQUAL

MATERIAL LEGEND



EXTERIOR ELEVATION - WEST



EXTERIOR ELEVATION - NORTH

DOUBLE DWELLING
3923 49th STREET
EDINA, MN

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

CONTRACTOR:

DRAWN BY
MHM

ISSUE
14.02.28 RE-ZONING
14.06.10 RESUBMIT

KEY PLAN

ELEVATIONS
NORTH, SOUTH,
EAST + WEST

A4.01

A17



CP-1 PERMEABLE CONCRETE PAVERS



T-1 1" x 1" MOSAIC TILE



ST-1 BOTTICINO MARBLE SILL AND TRIM, HONED FINISH



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



WD-1 VERTICAL CEDAR SIDING; COLOR: MISSION BROWN



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

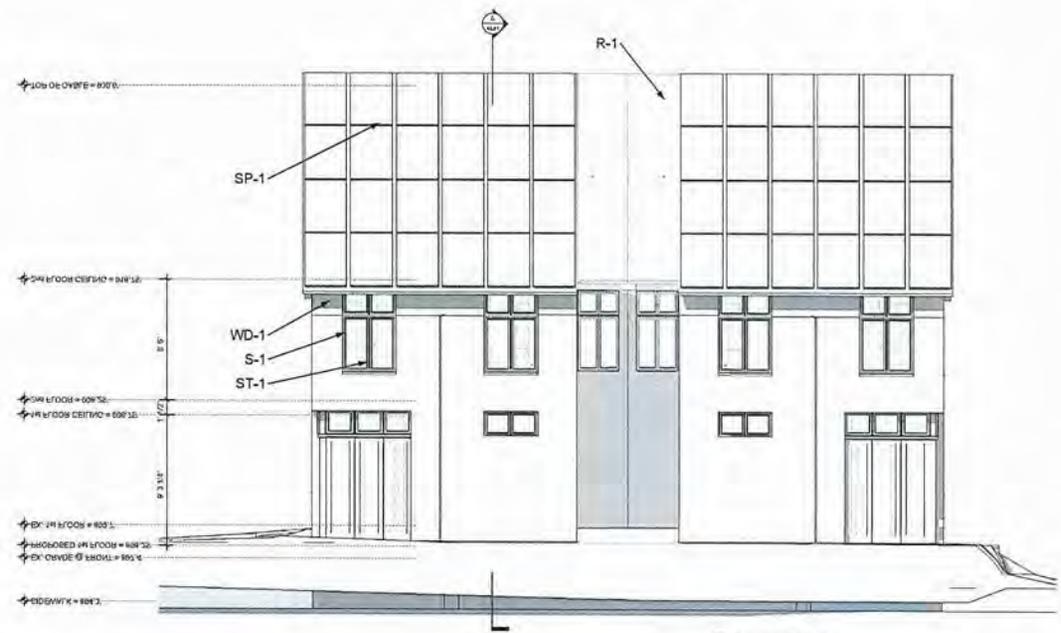


SP-1 SUNMODULE SOLAR PANEL, SW 250 MONO OR APPROVED EQUAL

MATERIAL LEGEND



1 EXTERIOR ELEVATION - EAST



2 EXTERIOR ELEVATION - SOUTH

DOUBLE DWELLING
3923 49th STREET
EDINA, MN

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

CONTRACTOR:

DRAWN BY
MHM

ISSUE
14.02.28 RE-ZONING
14.06.10 RESUBMIT

KEY PLAN

ELEVATIONS
NORTH, SOUTH,
EAST + WEST

A4.02



1 EXTERIOR PERSPECTIVE - LOOKING SOUTHWEST
1/4" = 1' 0"



1 EXTERIOR PERSPECTIVE - LOOKING NORTHWEST
1/4" = 1' 0"

ADJACENT SURFACE PARKING LOT

A4.8

ADJACENT APARTMENT BUILDING

ADJACENT APARTMENT BUILDING

NEW STRUCTURE BEYOND



2 EXTERIOR PERSPECTIVE - LOOKING NORTHEAST
1/4" = 1' 0"



2 EXTERIOR PERSPECTIVE - LOOKING SOUTHEAST
1/4" = 1' 0"

DOUBLE DWELLING
3923 49th STREET
EDINA, MN

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

CONTRACTOR:

DRAWN BY
MHM

ISSUE
14.02.28 RE-ZONING
14.06.10 RESUBMIT

KEY PLAN

ELEVATIONS
NORTH, SOUTH,
EAST + WEST

A4.03



AM



EXTERIOR RENDERING - LOOKING SOUTHWEST

DOUBLE DWELLING
3923 49th STREET
EDINA, MN

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

CONTRACTOR:

DRAWN BY
M/M

ISSUE
14.02.25 REVISION
14.06.10 RESUBMIT

KEY PLAN

EXT. RENDERING
LOOKING SOUTHWEST

A4.03



A20

DOUBLE DWELLING
3923 49th STREET
EDINA, MN

ARCHITECT:
MATHIAS MORTENSON
2428 SHERIDAN AVE.
MINNEAPOLIS MN 55405
612-455-3745

CONTRACTOR:

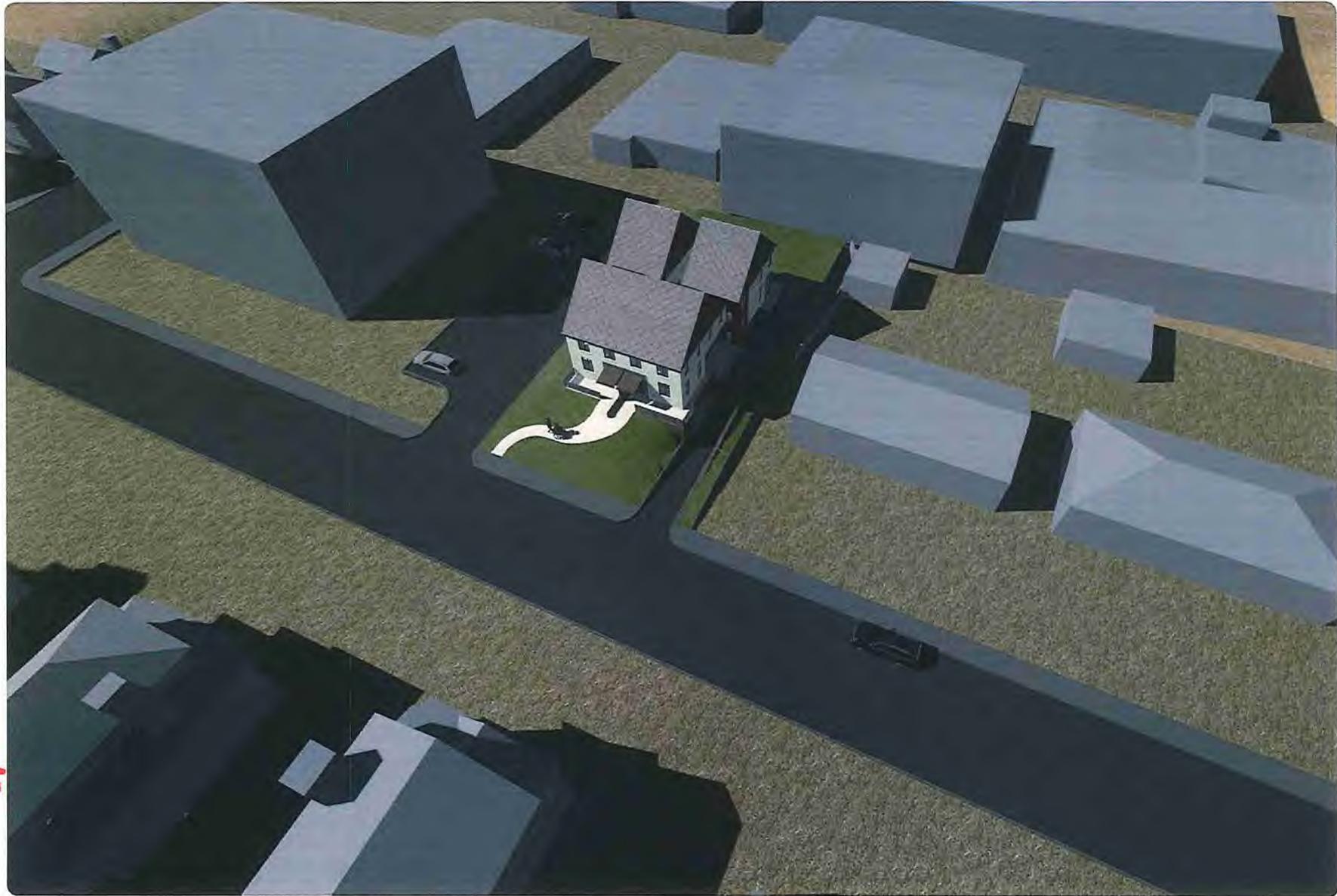
DRAWN BY
MHM

ISSUE	
14.02.28	RE-ZONING
14.06.10	RESUBMIT

KEY PLAN

EXT. RENDERING
LOOKING SOUTHEAST

A4.05



DOUBLE DWELLING
3923 49th STREET
EDINA, MN

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

CONTRACTOR:

DRAWN BY
MHM

ISSUE	
14.02.28	RE-ZONING
14.06.10	RESUBMIT

KEY PLAN

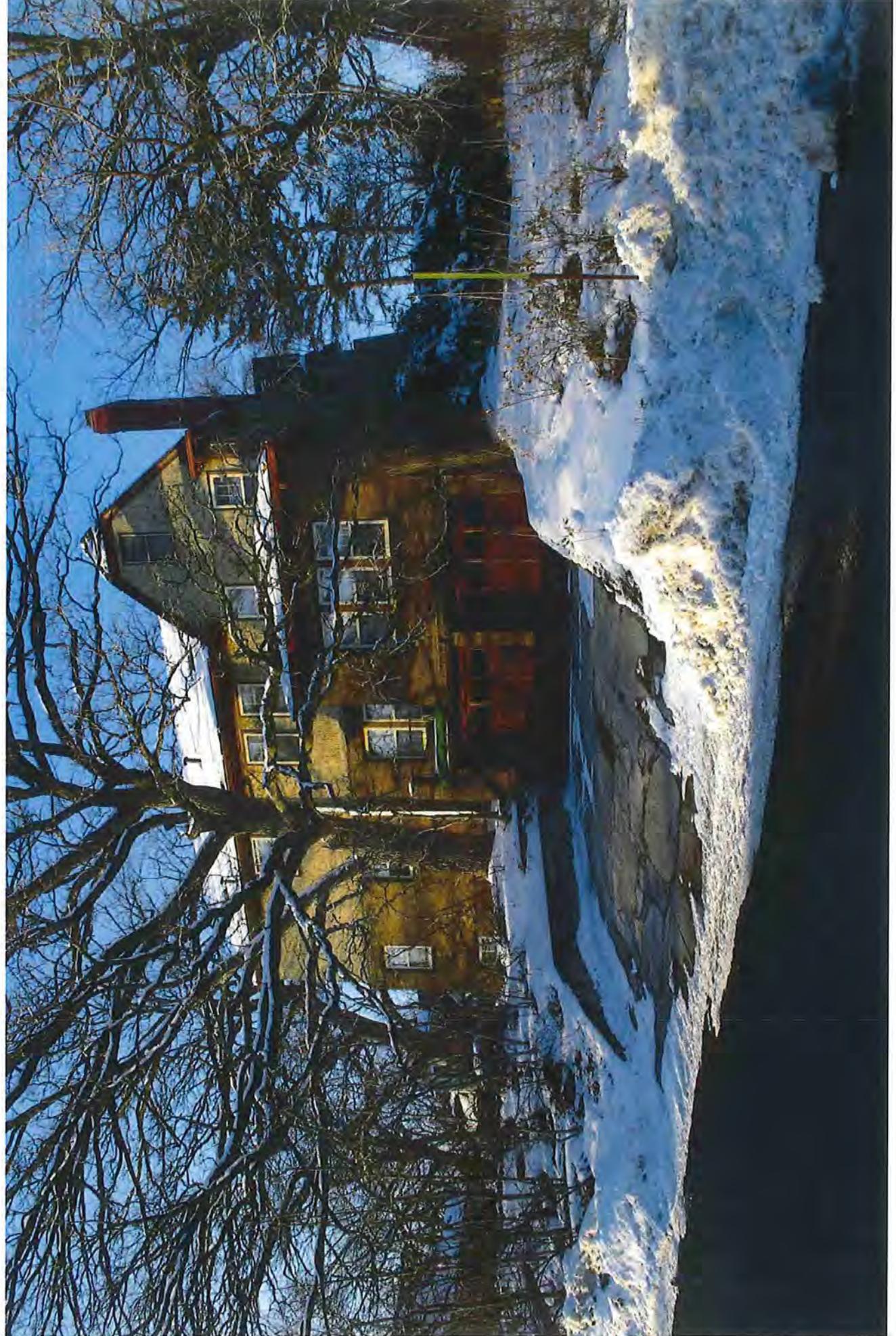
EXT. RENDERING
LOOKING NORTHEAST

A4.06

ATTACHMENT B

3900 49th Street

3923 49th Street
Edina, MN



#22

3923 49th Street
Edina, MN

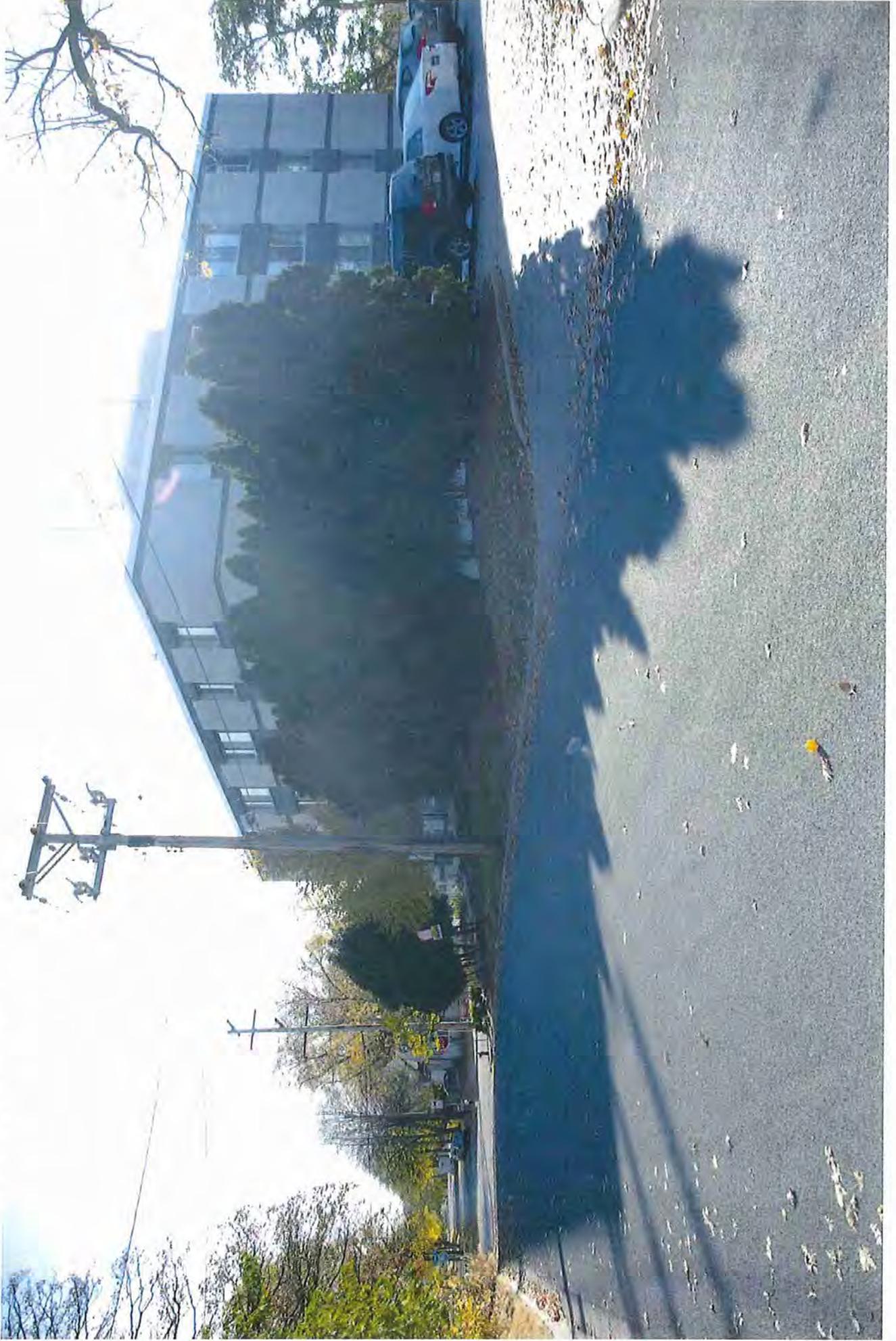
3949 49th Street



A23

3923 49th Street
Edina, MN

White Oaks Apartment



A24

3923 49th Street
Edina, MN

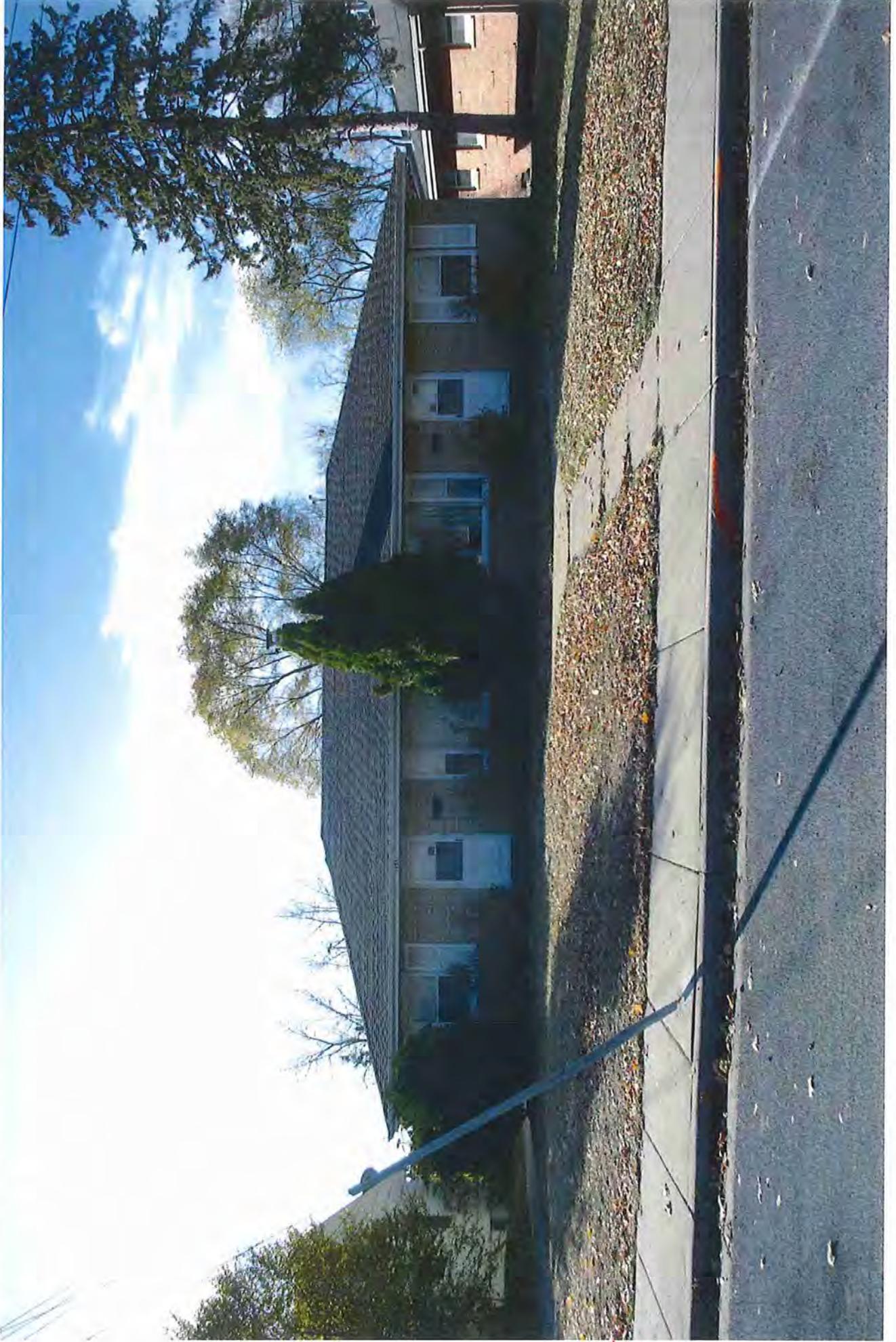
4001 49th Street



425

3923 49th Street
Edina, MN

3925 49th Street



A24

3923 49th Street
Edina, MN

3937 49th Street



3923 49th Street
Edina, MN

3900 49th Street



2x

3923 49th Street
Edina, MN

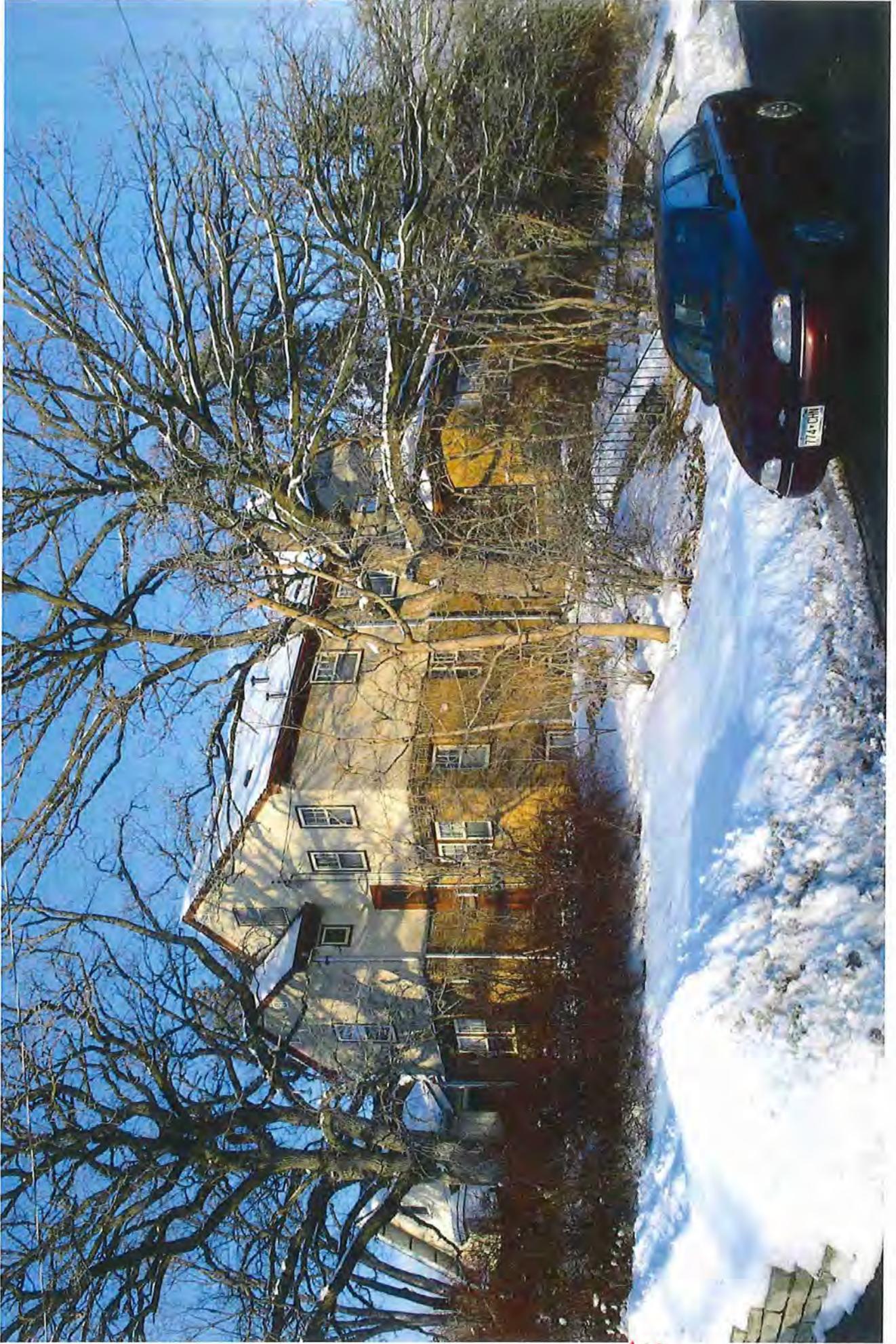
3923 49th Street



ASA

3923 49th Street
Edina, MN

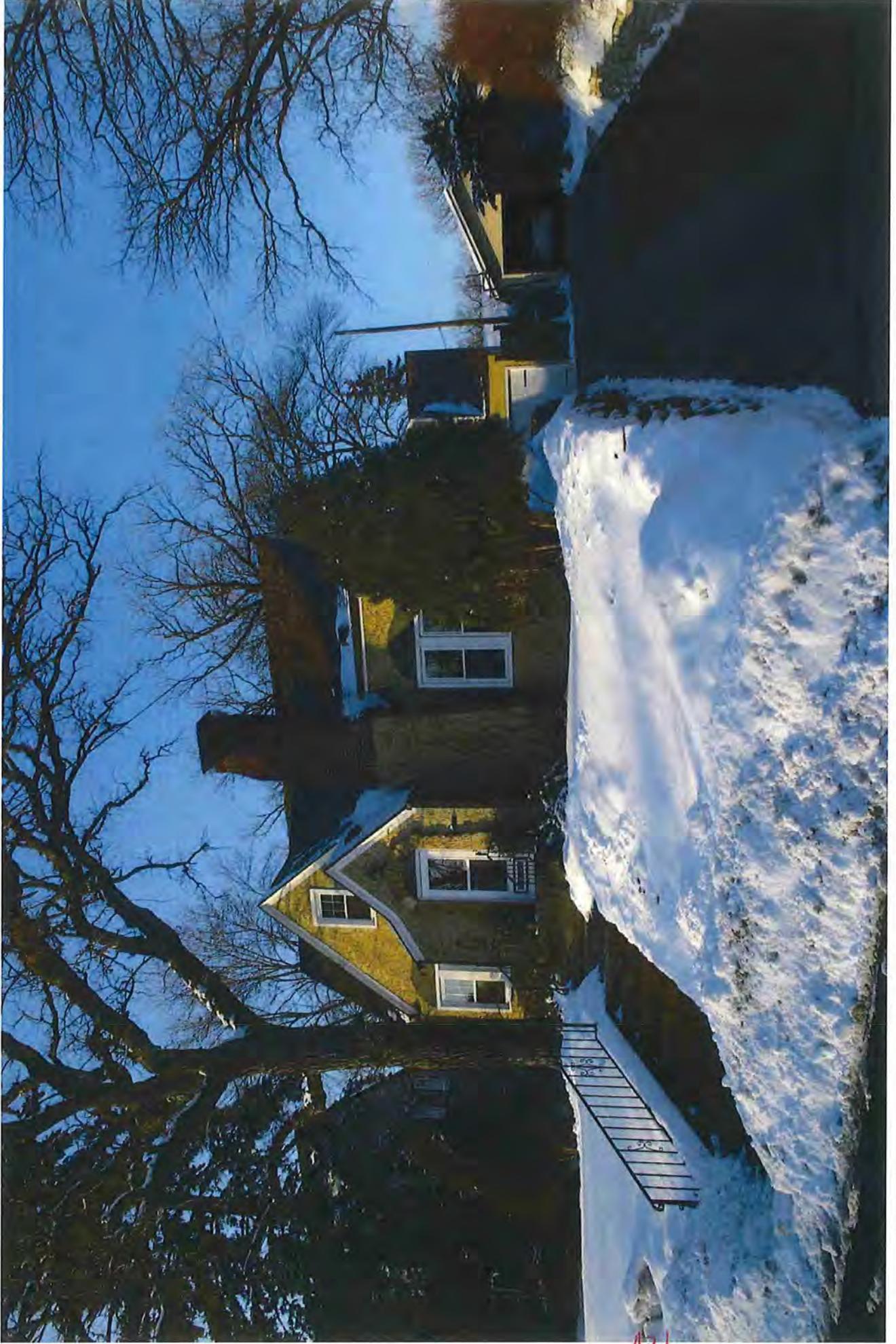
3900 49th Street



A30

3923 49th Street
Edina, MN

3908 49th Street



A31

New Development across street



A3a



A33



???

R-1



R-1



R-1



R-1



PARK



R-1's



R-1

R-1



PARK



GOLFCOURSE



ATTACHMENT A

D.O.
1/22

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

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

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

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

Appearing for the Applicant

Mathias Mortenson

Applicant Presentation

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

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

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

Comments

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

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

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

Commissioner Carr commented that she understands the request to rezone; however, has a concern with the driveway and the height of the retaining walls needed for garage access. She asked Mr. Mortenson if he knows the height of the retaining walls and what would be needed to support the driveway and access to the garages. Mr. Mortenson responded that he believes the retaining walls could be as high as 9 1/2-feet with two curb cuts on the lot to access the garages. Continuing, Commissioner Carr noted that the curb cuts on both sides of the units could create some safety issues especially because of the high retaining walls. She said she would hate to see someone fall off those walls. Mr. Mortenson responded that landscaping would be added along with a guard rail to ensure safety. Mortenson said he wants the feel and look of the building to be residential and softened with landscaping and other elements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Community Development Director Presentation

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

Proponent Presentation

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

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

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

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

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

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

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

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

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

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Sketch Plan Proposal



A38

STREET VIEW - LOOKING SOUTHWEST

PRELIMINARY REVIEW - 3923 49th STREET

JANUARY 10, 2014

MATHIAS MORTENSON • 612-655-3745

Sketch Plan Proposal



ISOMETRIC VIEW - LOOKING NORTHEAST

PRELIMINARY REVIEW - 3923 49th STREET

JANUARY 10, 2014

MATHIAS MORTENSON • 612-655-3745

A39

Sketch Plan Proposal



NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION

A40

PRELIMINARY REVIEW - 3923 49th STREET

JANUARY 10, 2014

MATHIAS MORTENSON • 612-655-3745

Cary,

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

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

Thanks,
Chad



Chad Millner, Director of Engineering

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cmillner@EdinaMN.gov | www.EdinaMN.gov

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



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

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

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

A42

Jackie Hoogenakker

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

March 29, 2014

To whom it may concern,

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

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

Sincerely,

Mary Zarling

Jackie Hoogenakker

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

To the public hearing commission:

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

Sincerely,
David Cartwright

AA4