

REPORT / RECOMMENDATION



To: MAYOR AND COUNCIL

Agenda Item #: IV.J.

From: Cary Teague, Community Development Director

Action

Discussion

Date: August 18, 2015

Information

Subject: Site Plan approval 1-year extension for Vernon Avenue Housing. 5109-5125 West 49th Street, Robert Kimmel and Jerry O'Brien.

Action Requested:

Approve a one-year extension of the approved site plan from August 20, 2013.

Information / Background:

The property owners, Robert Kimmel and Jerry O'Brien are requesting a one-year extension to their site plan approval for the Vernon Avenue Housing Project.

The City Council approved the project on August 20, 2013. The site plan approval expires after two years, if no work has started. The property owners are still trying to put the development together to be constructed, but will need another year to get it going. The property was rezoned to PUD, Planned Unit Development. The zoning of the property remains PUD.

The approved project includes the construction of 16-unit attached townhomes. (See attached development plans.)

Sec. 36-132 of the City Code allows the City Council to extend a site plan approval for no more than one year upon finding that:

1. There is a reasonable expectation that the proposed work or improvement will commence during the extension; and
2. The facts which were the basis for approving the final development plan have not materially changed.

The previous developer of the Vernon Avenue Housing Project ran into some financial difficulty and were unable to build the project. Soctt Roe of White Birch Properties and Development Group, LLC would like to build the project as originally proposed, however will need another year to get the project started.

ATTACHMENTS:

- Approved Site and Development Plans
- Requests for extension letters

July 29, 2015

Mr. Cary K. Teague

Community Development Director

City of Edina

4801 West 50th Street

Edina, MN 55424

Re: One Year Extension of Approval for Vernon Avenue Townhome Project / 5109-5125 West 48th Street, Edina, MN

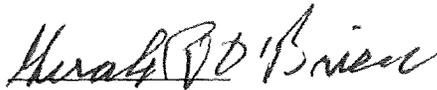
Dear Cary

We are requesting a one year extension of the above captioned. The project had run into some financing issues and we are working to resolve those issues and move the project along. There are new financing partners looking at this project and we will need the additional time to analyze the project and hopefully secure the funding and move forward.

Thank you

A handwritten signature in black ink, appearing to read 'Robert Kimmel', written over a horizontal dashed line.

Robert Kimmel – Owner

A handwritten signature in black ink, appearing to read 'Jerry O'Brien', written in a cursive style.

Jerry O'Brien – Owner

CC: Scott D. Roe, White Birch Properties and Development Group, LLC

July 22, 2015

Mr. Cary K. Teague

Community Development Director

City of Edina

4800 West 50th Street

Edina, MN 55424

Re: One Year Extension of Approval for Vernon Avenue Housing

5109-5125 West 49th Street, Edina, Minnesota

Dear Cary

Please extend the approval as we discussed today.

The approval was for the redevelopment of three lots and building a 16 unit housing development.

I would appreciate something in writing from you acknowledging this request.

Sincerely

A handwritten signature in cursive script that reads "Scott".

Scott D. Roe

White Birch Properties and Development Group, LLC

5128 Bryant Ave S

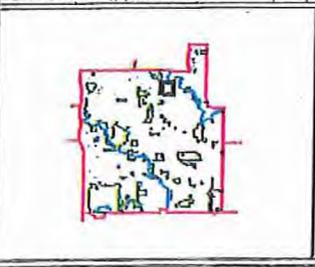
Minneapolis, MN 55419

612-840-0809 c

City of Edina



- Legend**
- House Number Labels
 - Street Name Labels
 - City Limits
 - Creeks
 - Lake Names
 - Lakes
 - Parks
 - Parcels



PID: 2811721310040

5115 49th St W
Edina, MN 55436



VERNON AVE - LOOKING EAST

K29



PLANNING DEPARTMENT

JUN 24 2013

CITY OF EDINA

VERNON AVE - LOOKING WEST

A25

PLANNING DEPARTMENT

JUN 24 2013

CITY OF EDINA



NOT FOR
CONSTRUCTION

Preliminary
Development Plan
Submittal

Vernon Avenue
Townhomes

CERTIFICATION
I hereby certify that the plan, specification or design was prepared by me or under my direct supervision and that I am a duly Licensed Professional Landscape Architect under the laws of the State of Minnesota.

PROJECT (L.A.S. NAME)	1000
PROJECT ADDRESS (L.A.S. NAME)	
DATE	11-13-13
DRAWN BY	IC
CHECKED BY	CM
COMMISSION NO.	15421

SITE PLAN

L100



PROJECT SUMMARY	FLOOR				TOTAL
	1st	2nd	3rd	4th	
BUILDING FOOTPRINT	1120				1120 SF
FLOOR AREA					1120
DRILLING COSTS					4400 SF
PARKING (PRIVATE)	24				157 TRAILER HOLES/STORAGE
PARKING (GUEST)	16				10 TRAILER HOLES
PERVIOUS IMPERVIOUS					100% IMPERVIOUS
LOT SIZE					100% IMPERVIOUS
UNIT DENSITY					100% IMPERVIOUS
FLOOR AREA RATIO					100%

UNIT MATRIX	UNIT TYPES				TOTAL
	A	B	C	D	
DRILLING UNITS	1	1	1	1	4
FINISHED SF	270	420	170		860 SF
GARAGE SF	48	36	18		102 SF

- KEY NOTES**
1. FUTURE CONNECTION WITH STAIRS
 2. EXISTING DRIVE TREES (SEE PLAN)
 3. DRILLING TREES (SEE SHEET L101)
 4. EXISTING TREE CORNER PLANTING (SEE SHEET L101)
 5. EXISTING TREES (SEE SHEET L101)
 6. EXISTING CORNER PLANTING (SEE SHEET L101)
 7. EXISTING DRIVE WITH PLANTING
 8. UNIT DRIVE TYP.
 9. UNIT DRIVE TYP.
 10. UNIT DRIVE PLANTING TYP. (SEE SHEET L101)
 11. UNIT DRIVE WITH STAIRS TYP.
 12. EXISTING DRIVE
 13. EXISTING DRIVE
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 49. EXISTING DRIVE WITH PLANTING TYP. (SEE SHEET L101)
 50. EXISTING DRIVE WITH PLANTING TYP. (SEE SHEET L101)

RECEIVED
4-9-13

PROJECT: 1000 L100 L100

SITE PLAN

SCALE: 1" = 10'



RESOLUTION NO. 2013-64
APPROVING FINAL REZONING FROM PRD-2, PLANNED RESIDENTIAL DISTRICT
TO PUD-5, PLANNED UNIT DEVELOPMENT-5, FINAL DEVELOPMENT PLAN &
FINAL PLAT AT
5109-5125 WEST 49TH STREET FOR HUNT ASSOCIATES

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

Section 1. BACKGROUND.

- 1.01 Hunt Associates is requesting redevelopment of three lots, 5109-5125 West 49th Street. The applicant is proposing to tear down the existing two apartments and single family home on the site (10 units total) and build a new 16-unit attached housing development. The subject properties total 1.43 acres in size; therefore, the proposed density of the project would be 11 units per acre.
- 1.02 The property is legally described as follows:
- See attached Legal Descriptions
- 1.03 On July 24, 2013, the Planning Commission unanimously recommended approval of the request.

Section 2. FINDINGS

- 2.01 Approval is based on the following findings:
1. The proposal is consistent with the approved Preliminary Development Plan for the site.
 2. The proposal is consistent with the Comprehensive Plan, which contemplates medium density housing for the site.
 3. The proposed plat meets all Zoning and Subdivision Ordinance requirements.
 4. The proposal would create a more efficient and creative use of the property. Currently the site does not engage Vernon Avenue. Today it is clearly the back of the site, and contains mature trees. The proposed site plan turns and faces Vernon Avenue with a row of two-story townhomes.
 5. Parking areas and garages are internal to the site, and not visible from 49th street or Vernon Avenue.
 6. The project would enhance pedestrian connections. The plan provides for a public sidewalk through the site from 49th to Vernon, that would connect, not only this development, but the entire area to the north to the GrandView District.

CITY OF EDINA

7. Landscaping would be enhanced. Extensive Landscaping is proposed around the perimeter of the site and adjacent to the proposed townhomes. The number of over story trees is over double the number required by City Code. The mature trees along Vernon Avenue would be preserved.

Section 3. APPROVAL

NOW THEREFORE, it is hereby resolved by the City Council of the City of Edina, approves the Final Rezoning to PUD-5, Planned Unit Development-5, Final Development Plan, and Final Plat subject to the following conditions:

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
 - Site plan date stamped June 24, 2013.
 - Grading plan date stamped June 24, 2013.
 - Utility plan date stamped June 24, 2013.
 - Landscaping plan date stamped June 24, 2013.
 - Building elevations date stamped June 24, 2013.
 - Building materials board as presented at the Planning Commission and City Council meeting.
2. Prior the issuance of a building permit, a final landscape plan must be submitted, subject to staff approval. Additionally, a performance bond, letter-of-credit, or cash deposit must be submitted for one and one-half times the cost amount for completing the required landscaping, screening, or erosion control measures.
3. The property owner is responsible for replacing any required landscaping that dies.
4. Submit a copy of the Minnehaha Creek Watershed District permit. The City may require revisions to the approved plans to meet the district's requirements.
5. The Final Plat must be filed at the County within one-year after City Council approval. If the plat is not filed it shall be deemed null and void.
6. A shared parking and access agreement must be established across the Plat.
7. A park dedication fee of \$5,000 per dwelling unit is required. The park dedication fees are due prior to release of the final plat.
8. Compliance with the conditions required by the city engineer in his memo dated July 19, 2013.
9. Compliance with the fire marshal recommendation in his email dated July 12, 2013.
10. A shared parking and access agreement must be established across the Plat.

- 11. The Park Dedication fee of \$35,000 shall be paid prior to release of the mylars approving the Final Plat.
- 12. There shall be no rooftop decks.

Adopted by the city council of the City of Edina, Minnesota, on August 20, 2013.

ATTEST: _____
Debra A. Mangen, City Clerk

James B. Hovland, Mayor

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

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina do hereby certify that the attached and foregoing Resolution was duly adopted by the Edina City Council at its Regular Meeting of August 20, 2013, and as recorded in the Minutes of said Regular Meeting.

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

City Clerk

Exhibit A

DESCRIPTION OF PROPERTY SURVEYED

(Per Commitment for Title Insurance issued by Stewart Title Guaranty Company, File No. 152183, dated October 31, 2011, and File No. 153093, dated October 5, 2012)

Lot 3, 4, 5 and 6, and all that part of Lots 9, 10, 11 and 12 lying North of State Highway No. 5, Block 4, "Tingdale Bros.' Brookside", Except that part of Lot 12 which lies Southeasterly of the following described line: Beginning at a point on the East line of said Lot 12 distant 35 feet South of the Northeast corner thereof; thence run Southwesterly to the Southwest corner of the above described Lot 12 and there terminating

Together with:

A 25.00 foot wide strip of land lying east of the Minneapolis, Northfield and Southern Railroad between West 49th Street and Vernon Avenue in Section 28, Township 117 North, Range 21 West, Hennepin County, Minnesota.

Being Torrens Property, Certificate Number: 577550

And:

Lots 7 and 8, Block 4, Tingdale Bros.' Brookside, Except that part of said Lot 8 described as follows:

Beginning at a point on the East boundary of said Lot 8 distant 28 feet North of the Southeast corner thereof; thence South along said East boundary 28 feet; thence West along the South boundary of said Lot, 50 feet; thence North along the West boundary of said Lot, 12 feet; thence Northeasterly to the point of beginning, including any part or portion of any street or alley adjacent to said premises vacated or to be vacated, Hennepin County, Minnesota

Abstract

ORDINANCE NO. 2013-8

AN ORDINANCE AMENDING THE ZONING ORDINANCE
TO ESTABLISH A PUD, PLANNED UNIT DEVELOPMENT
DISTRICT AT 5109-5125 WEST 49th STREET (Vernon Townhomes)

The City Of Edina Ordains:

Section 1. Subsection 850 is hereby amended to add the following Planned Unit Development (PUD) District:

850.23 Planned Unit Development Districts (PUD)

Subd. 4. Planned Unit Development District-5 (PUD-5) – 5109-5125 West 49th Street (Vernon Townhomes)

A. Legal Description:

See attached

B. Approved Plans. Incorporated herein by reference are the re-development plans received by the City on June 24, 2013, except as amended by City Council Resolution No. 2013-64, on file in the Office of the Planning Department under file number 2013-005.13a.

C. Principal Uses:

Residential buildings containing six or fewer units.

D. Accessory Uses:

All accessory uses allowed in the R-2, Double Dwelling Unit District

Signs allowed per the Planned Residential District.

E. Conditional Uses:

None

Existing text – XXXX
Stricken text – ~~XXXX~~
Added text – XXXX

F. Development Standards. Development standards per the PRD-2 Zoning District, except the following:

Building Setbacks

Front – 49 th Street	35 feet – structure 18 feet – stair/deck/patio
Front – Vernon	7 feet
Side – East	15 & 42 feet
Rear – South	15 feet

Building Height	2-1/2 stories or 35.5 feet
Building Coverage	26%

Parking Stalls (Residential) 2 enclosed stalls per unit

Section 3. 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 publish in the Edina Sun Current on:

Send two affidavits of publication.

Existing text – XXXX
Stricken text – ~~XXXX~~
Added text – **XXXX**

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 August 20, 2013, and as recorded in the Minutes of said Regular Meeting.

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

City Clerk

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Abstract