

# REPORT / RECOMMENDATION



**To:** MAYOR AND COUNCIL

**Agenda Item #:** VI.B.

**From:** Cary Teague, Community Development Director

**Action**

**Discussion**

**Information**

**Date:** August 20, 2013

**Subject:** Preliminary Plat with lot width and lot area variances, Rod Helm on behalf of Tom and Gretchen Shanight, 5612 Tracy Avenue. Resolution No. 2013-65

## Action Requested:

Adopt the attached resolution.

## Information / Background:

Rodney Helm on behalf of Tom and Gretchen Shanight is proposing to subdivide the property at 5612 Tracy Avenue into two lots. The existing home would be torn down, and two new homes built on the new lots. (See applicant narrative and plans on pages A4–A16 of the Planning Commission staff report.) To accommodate the request the following is required:

1. A subdivision; and
2. Lot width variances from 80.7 feet to 80 feet for each lot; lot depth variances from 157 feet to 122 feet; and lot area variances from 17,651 square feet to 9,820 square feet.

Both lots would gain access off Tracy Avenue by a shared driveway, utilizing the existing driveway to the site. Within this neighborhood, the median lot area is 17,651 square feet, median lot depth is 157 feet, and the median lot width is 80.7. (See attached median calculations on pages A7–A10.) This is a neighborhood with varying lot sizes. Larger lots to the north across Vernon and to the east across Tracy Avenue have established the large minimum lot sizes for this property. The applicant is proposing to subdivide the property in the same manner as the existing lots on the west side of Tracy Avenue. (See pages A2–A3 & A17–A19.)

A subdivision with similar circumstances was recently approved in this area at 5633 Tracy Avenue by the applicant. (See attached plans and minutes from the Planning Commission and City Council meetings on pages A20–A26.)

## Planning Commission Recommendation:

On July 24, 2013, the Planning Commission unanimously approved the Preliminary Plat. (Vote: 7-0.)

**ATTACHMENTS:**

- Resolution 2013-65
- Planning Commission minutes
- Planning Commission Staff Report dated July 24, 2013



**RESOLUTION NO. 2013-65  
APPROVING A PRELIMINARY PLAT WITH LOT WIDTH AND LOT AREA VARIANCES  
AT 5612 TRACY AVENUE**

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

Section 1. BACKGROUND.

- 1.01 Mr. Rodney Helm on behalf of Tom and Gretchen Shanight is requesting a Preliminary Plat of 5612 Tracy Avenue divide the existing parcel into two lots.
- 1.02 The following described tract of land is requested to be divided:
- The South 1 foot of the East 160 feet of Lot 6 and the East 160 feet of the North Half of Lot 7, WARDEN ACRES, Hennepin County, Minnesota.
- 1.03 The owner of the described land desires to subdivide said tract in to the following described new and separate parcels (herein called "parcels") described as follows:
- Lots 1 and 2, Block 1, Shanight Addition.
- 1.04 The proposed subdivision requires the following variances:
- Lot width variances from 80.7 feet to 80 feet for each lot; lot depth variances from 157 feet to 122 feet; and lot area variances from 17,651 square feet to 9,820 square feet.
- 1.05 On July 24, 2013, the Planning Commission recommended approval of the Preliminary Plat and Variances on a Vote of 7-0.

Section 2. FINDINGS

- 2.01 Approval is based on the following findings:
1. Except for the variances, the proposal meets the required standards and ordinance for a subdivision.
  2. The proposal is consistent with the lots on this block on the west side of Tracy Avenue north of Hawkes Drive.
  3. The 80-foot wide lot is wider than the general standard required width of 75 feet.

4. The 9,820 square foot lots are larger than the general standard minimum lot area of 9,000 square feet.
5. The proposal meets the required standards for a variance, because:
  - a. There is a unique hardship to the property caused by the existing size of the property which is roughly two times the size of every lot on the block.
  - b. The requested variances are reasonable in the context of the immediate neighborhood. The existing lot is both larger and wider than most properties in the area, including every lot on the blocks north of Hawkes Drive and west of Tracy Avenue.
  - c. The proposed subdivision would result in two lots more characteristic of the neighborhood.
  - d. The variances would meet the intent of the ordinance because the proposed lots are of similar size to others in the neighborhood.
  - e. If the variances were denied, the applicant would be denied a use of his property, an 80-foot wide, 9,000+ square foot lot, which is common to the area.

Section 3. APPROVAL

NOW THEREFORE, it is hereby resolved by the City Council of the City of Edina, approves the Preliminary Plat and requested Variances for the proposed subdivision of 5612 Tracy Avenue.

Approval is subject to the following Conditions:

1. The City must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.
2. Park dedication fee of \$5,000 must be paid prior to release of the final plat.
3. Vehicle access to these lots shall be off of Tracy Avenue.
4. Compliance with the conditions required by the director of engineering in his memo dated July 18, 2013.
5. Prior to issuance of a building permit, the following items must be submitted:
  - a. Submit evidence of a Nine Mile Creek Watershed District approval. The City may require revisions to the preliminary plat to meet the district's requirements.
  - b. A curb-cut permit must be obtained from the Edina engineering department.
  - c. A grading plan subject to review and approval of the city engineer.

- d. A construction management plan will be required for the construction of the new homes.
- e. Utility hook-ups are subject to review of the city engineer.
- f. A private driveway easement established over Lot 1 to serve Lot 2 must be filed with Hennepin County.

Adopted this \_\_\_ day of \_\_\_\_\_, 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 \_\_\_\_\_, 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

P.C. July 24th

**V. PUBLIC HEARINGS**

**A. Subdivision. Preliminary Plat. Shanight Addition. 5612 Tracy Avenue, Edina, MN**

**Planner Presentation**

Planner Aaker reported Rodney Helm on behalf of Tom and Gretchen Shanight is proposing to subdivide the property at 5612 Tracy Avenue into two lots. The existing home would be torn down, and two new homes built on the new lots. To accommodate the request the following is required: A subdivision; and Lot width variances from 80.7 feet to 80 feet for each lot; lot depth variances from 157 feet to 122 feet; and lot area variances from 17,651 square feet to 9,820 square feet.

Planner Aaker stated both lots would gain access off Tracy Avenue by a shared driveway, utilizing the existing driveway to the site. Within this neighborhood, the median lot area is 17,651 square feet, median lot depth is 157 feet, and the median lot width is 80.7. This is a neighborhood with varying lot sizes. Larger lots to the north across Vernon and to the east across Tracy Avenue have established the large minimum lot sizes for this property. The applicant is proposing to subdivide the property in the same manner as the existing lots on the west side of Tracy Avenue .

Aaker reported that a subdivision with similar circumstances was recently approved in this area at 5633 Tracy Avenue by the applicant.

Aaker concluded that staff recommends that the City Council approve the proposed two lot subdivision of 5612 Tracy Avenue; lot width variances from 80.7 feet to 80 feet for each lot; lot depth variances from 157 feet to 122 feet for each lot; and lot area variances from 17,651 square feet to 9,820 square feet based on the following findings:

1. Except for the variances, the proposal meets the required standards and ordinance for a subdivision.
2. The proposal is consistent with the lots on this block on the west side of Tracy Avenue north of Hawkes Drive.
3. The 80-foot wide lot is wider than the general standard required width of 75 feet.
4. The 9,820 square foot lots are larger than the general standard minimum lot area of 9,000 square feet.
5. The proposal meets the required standards for a variance, because:
  - a. There is a unique hardship to the property caused by the existing size of the property which is roughly two times the size of every lot on the block.
  - b. The requested variances are reasonable in the context of the immediate neighborhood. The existing lot is both larger and wider than most properties in the area, including every lot on the blocks north of Hawkes Drive and west of Tracy Avenue.
  - c. The proposed subdivision would result in two lots more characteristic of the neighborhood.

- d. The variances would meet the intent of the ordinance because the proposed lots are of similar size to others in the neighborhood.
- e. If the variances were denied, the applicant would be denied a use of his property, an 80-foot wide, 9,000+ square foot lot, which is common to the area.

Approval is also subject to the following conditions:

1. The City must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.
2. Park dedication fee of \$5,000 must be paid prior to release of the final plat.
3. Vehicle access to these lots shall be off of Tracy Avenue.
4. Compliance with the conditions required by the director of engineering in his memo dated July 18, 2013. Prior to issuance of a building permit, the following items must be submitted:
  - a. Submit evidence of a Nine Mile Creek Watershed District approval. The City may require revisions to the preliminary plat to meet the district's requirements.
  - b. A curb-cut permit must be obtained from the Edina engineering department.
  - c. A grading plan subject to review and approval of the city engineer.
  - d. A construction management plan will be required for the construction of the new homes.
  - e. Utility hook-ups are subject to review of the city engineer.
  - f. A private driveway easement established over Lot 1 to serve Lot 2 must be filed with Hennepin County.

#### **Appearing for the Applicant**

Rodney Helm

#### **Discussion**

Commissioner Forrest asked procedurally if the City Council hears this request twice. Planner Aaker responded in the affirmative. Council hears the request for preliminary and final.

Commissioner Carr questioned if the project were approved would the applicant be able to build houses on the lots without variances. Planner Aaker said the applicant indicated houses could be built without variances from the zoning ordinance.

Chair Staunton asked Planner Aaker if the statistics were driven by the 500-foot neighborhood, adding it seems like a large lot area variance is needed. Aaker agreed the lot area variance appears large; adding variances from the subdivision ordinance would be required. Commissioner Platteter asked for clarification on if the new houses would meet the zoning ordinance. Aaker reiterated the applicant did not indicate further variances would be needed.

### **Applicant Presentation**

Rodney Helm addressed the Commission informing them he is representing the Shanight's, property owners. Helm reported he was the agent that presented the Kiser Addition subdivision at 5633 Tracy, adding he is familiar with this neighborhood. Helm said if one looks at the 500-foot neighborhood it appears to be two separate neighborhoods-west of Tracy and east of Tracy. Helm explained the reasons for the variances to the subdivision ordinance result from the fact when calculating the 500-foot neighborhood both "neighborhoods" were included. Continuing, Helm said in his opinion this division would help create a strong corner for Hawkes Terrace. He said the existing home is an outdated four level home without much architectural value. Helm further stated that he believes retaining the driveway access off Tracy Avenue for both properties makes the most sense with less disruption to the site and neighbors. He also added close attention was and will be paid to the existing conditions on the site, including the grade and vegetation and of course vehicle access.

Concluding, Helm acknowledged that the subdivision misses all three median requirements; width, area and depth; however, he believes the attention paid to the redevelopment of this site (topography, vegetation) will be a benefit to the neighborhood and Edina.

Commissioner Carpenter asked Mr. Helm where the driveway access is for the homes directly across the street. Helm responded that he believes both properties access Hawkes. Helm said the proposed access off Tracy for the new lots really help "set up" the site for a good redevelopment.

Chair Staunton opened the public hearing.

### **Public Hearings**

Tim Laughlin, 5705 Hawkes Terrace informed the Commission he lives directly across the street from the subject site. Laughlin stated he has lived in this neighborhood for many years, adding this corner worked for him all these years; however he can be agreeable to the proposed subdivision as submitted especially since the lots would be accessed off Tracy Avenue, not Hawkes Terrace.

Terry Rocheford, 5604 Hawkes Terrace, told the Commission she doesn't have an issue with the subdivision; however wants assurances the access will be off Tracy Avenue. Rocheford said she has additional concerns about parking on the street and clear view when leaving Hawkes Terrace onto Tracy. Concluding, Rocheford asked the applicant to police the site and keep the tall grass mowed.

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

### **Discussion**

Commissioner Potts stated in his opinion this is a reasonable request adding he appreciates that the applicant paid close attention to the topography and vegetation when designing the plat.

Commissioner Carpenter stated he too feels the proposed subdivision is sensitive to the environment; however, he is somewhat concerned with the sight lines at the corner as expressed by Ms. Rocheford. Carpenter stated he wants assurances that house placement and topography are carefully assessed to ensure clear view is maintained.

Commissioner Platteter commented that he likes how the developer is working with the land, adding in his opinion the shared driveway is a great option. If done as depicted it should create a good plat.

Commissioner Carr stated she has no additional comments.

Commissioner Forrest commented that it may be possible this site is one lot because of the terrain. She also expressed concern that any redevelopment of this lot would impact the urban canopy. Forrest encouraged the builder to be in contact with the neighbors during the construction process.

Chair Staunton said he had an initial concern with the request because of the magnitude of the lot area variance; however, understands differing neighborhoods can play a role in "skewing" the numbers. Staunton stated he also has a strong preference for the driveway access to remain off Tracy Avenue as indicated on the plans. He further suggested the possibility of limiting parking to one side of the street to ensure greater visibility.

#### Motion

**Commissioner Potts moved to recommend preliminary plat approval with variances based on staff findings and subject to staff conditions. Commissioner Carpenter seconded the motion. All voted aye; motion carried. 7-0.**

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#### **B. Final Rezoning, Final Plat and Final Development. Edina Fifty Five, LLC. 5109-5125 49<sup>th</sup> Street West.**

#### Planner Presentation

Planner Aaker informed the Commission Hunt Associates are requesting final review of the redevelopment of three lots located at 5109-5125 West 49<sup>th</sup> Street. The applicant is proposing to tear down the existing two apartments and single family home on the site) 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. Continuing, Aaker noted the applicant received preliminary rezoning and plan approval of this project on April 16, 2013.

Aaker reported in order to obtain to approvals for the project, the following is the final step required for approval; Final Development Plan and Final Rezoning to PUD and Zoning Ordinance Amendment establishing the PUD.



## PLANNING COMMISSION STAFF REPORT

Originator <b>Cary Teague</b> Community Development Director	Meeting Date <b>July 24, 2013</b>	Agenda # <b>VI.A.</b>
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### INFORMATION & BACKGROUND

#### Project Description

Rodney Helm on behalf of Tom and Gretchen Shanight is proposing to subdivide the property at 5612 Tracy Avenue into two lots. (See property location on pages A1–A3.) The existing home would be torn down, and two new homes built on the new lots. (See applicant narrative and plans on pages A4–A16.) To accommodate the request the following is required:

1. A subdivision; and
2. Lot width variances from 80.7 feet to 80 feet for each lot; lot depth variances from 157 feet to 122 feet; and lot area variances from 17,651 square feet to 9,820 square feet.

Both lots would gain access off Tracy Avenue by a shared driveway, utilizing the existing driveway to the site. Within this neighborhood, the median lot area is 17,651 square feet, median lot depth is 157 feet, and the median lot width is 80.7. (See attached median calculations on pages A7–A10.) This is a neighborhood with varying lot sizes. Larger lots to the north across Vernon and to the east across Tracy Avenue have established the large minimum lot sizes for this property. The applicant is proposing to subdivide the property in the same manner as the existing lots on the west side of Tracy Avenue. (See pages A2–A3 & A17–A19.)

A subdivision with similar circumstances was recently approved in this area at 5633 Tracy Avenue by the applicant. (See attached plans and minutes from the Planning Commission and City Council meetings on pages A20–A26.)

#### Surrounding Land Uses

The lots on all sides of the subject properties are single-family homes, zoned and guided low-density residential. (See page A3.)

## Existing Site Features

The existing site is a corner lot, contains a single-family home and attached garage. The lot is oversized compared to surround lots, contains mature trees, and relatively steep slopes along Hawkes Terrace. (See page A3.) Access to site is from Tracy Avenue. The single-family home would be removed.

## Planning

Guide Plan designation: Single-dwelling residential  
Zoning: R-1, Single-dwelling district

## Lot Dimensions

	Area	Lot Width	Depth
REQUIRED	17,651 s.f.	80.7 feet	157 feet
Lot 1	<b>9,820 s.f.*</b>	<b>80 feet*</b>	<b>122 feet*</b>
Lot 2	<b>9,820 s.f.*</b>	<b>80 feet*</b>	<b>122 feet*</b>

*\* Variance Required*

## Grading/Drainage and Utilities

The city engineer has reviewed the proposed plans and found them generally acceptable. Adequate drainage and utility easements are proposed along all the lot lines. The detailed grading plans would be reviewed by the city engineer at the time of a building permit application. A construction management plan will be required for the construction of the new homes. A Nine Mile Creek Watershed District permit would also be required.

The grading plan shows the buildable area for Lot 1 with a 15 foot setback off of Tracy Avenue. (See page A15.) The required setback is 35 feet, to match the setback of the home to the north. If this subdivision is approved, it would not approve a building pad for a 15-foot setback. However, as indicated on page A15, there still would be adequate building area for a new home. There would be a building pad of 39 feet by 65 feet or 2,535 square feet.

## Park Dedication

As with all subdivision proposals, park dedication is required. Edina City Code requires a park dedication fee of \$5,000 for each additional lot created. Therefore a park dedication fee of \$5,000 would be required.

## Primary Issue

- **Are the findings for a variance met?**

Yes. Staff believes that the findings for a variance are met with this proposal.

Per state law and the 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 meets 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 due to the fact that the subject property is double the size of all lots on this block. This block was originally platted with lots similar in size to those proposed with this subdivision, with the exception of the subject property. (See page A2.) The lot width and depth requirements are due to wider and deeper lots further away from the subject property, and primarily east of Tracy Avenue.

The requested variances to split this lot are reasonable in the context of the immediate neighborhood. The existing lot is both larger and wider than other properties in the immediate area. The proposed subdivision would result in two lots more characteristic of the neighborhood and original plat. If the variances were denied, the applicant would be denied a subdivision of his property of which the lots would be the same as existing lots in the area. (See pages A17–A19, which show lots area, lot width and lot depths in that immediate neighborhood.)

The applicant is proposing to preserve the slopes and vegetation along Hawkes Terrace, which includes Black Walnut trees, by using the existing driveway off of Tracy Avenue to gain access to both lots; rather than cut in two new driveways off of Hawkes Terrace. Access off of a local street and not Tracy Avenue, which is a much busier roadway, would typically be required, as it would normally be a safer entrance to the properties. However, in this instance, given the benefit of preserving the slopes, vegetation and mature trees, staff would recommend the shared driveway. The city engineer has reviewed the proposed access and would be agreeable. (See page A20.)

An easement must be established over Lot 1 granting an access easement for Lot 2.

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

The condition of this oversized lot is unique to the west side of Tracy Avenue on this block. All the lots on the west side of Tracy Avenue, north of Hawkes Drive are similar in size to the two proposed lots. The circumstance of the oversized lot was not created by the applicant.

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

No. The proposed improvements requested by the variance would not alter the essential character of the neighborhood. The neighborhood includes a vast majority of single-family homes on similar sized lots as proposed. The applicant proposes not to disturb the character along Hawkes Terrace, by utilizing the existing driveway off of Tracy Avenue to access both lots. (See page A15.)

### **Staff Recommendation**

Recommend that the City Council approve the proposed two lot subdivision of 5612 Tracy Avenue; lot width variances from 80.7 feet to 80 feet for each lot; lot depth variances from 157 feet to 122 feet for each lot; and lot area variances from 17,651 square feet to 9,820 square feet.

Approval is based on the following findings:

1. Except for the variances, the proposal meets the required standards and ordinance for a subdivision.
2. The proposal is consistent with the lots on this block on the west side of Tracy Avenue north of Hawkes Drive.
3. The 80-foot wide lot is wider than the general standard required width of 75 feet.
4. The 9,820 square foot lots are larger than the general standard minimum lot area of 9,000 square feet.
5. The proposal meets the required standards for a variance, because:

- a. There is a unique hardship to the property caused by the existing size of the property which is roughly two times the size of every lot on the block.
- b. The requested variances are reasonable in the context of the immediate neighborhood. The existing lot is both larger and wider than most properties in the area, including every lot on the blocks north of Hawkes Drive and west of Tracy Avenue.
- c. The proposed subdivision would result in two lots more characteristic of the neighborhood.
- d. The variances would meet the intent of the ordinance because the proposed lots are of similar size to others in the neighborhood.
- e. If the variances were denied, the applicant would be denied a use of his property, an 80-foot wide, 9,000+ square foot lot, which is common to the area.

Approval is subject to the following conditions:

1. The City must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.
2. Park dedication fee of \$5,000 must be paid prior to release of the final plat.
3. Vehicle access to these lots shall be off of Tracy Avenue.
4. Compliance with the conditions required by the director of engineering in his memo dated July 18, 2013.
5. Prior to issuance of a building permit, the following items must be submitted:
  - a. Submit evidence of a Nine Mile Creek Watershed District approval. The City may require revisions to the preliminary plat to meet the district's requirements.
  - b. A curb-cut permit must be obtained from the Edina engineering department.
  - c. A grading plan subject to review and approval of the city engineer.

- d. A construction management plan will be required for the construction of the new homes.
- e. Utility hook-ups are subject to review of the city engineer.
- f. A private driveway easement established over Lot 1 to serve Lot 2 must be filed with Hennepin County.

**Deadline for a City Decision:** October 1, 2013

# City of Edina



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



**PID: 3211721130060**

**5612 Tracy Ave  
Edina, MN 55436**



AI



A2

# City of Edina



- Legend**
- Surrounding House Number Labels
  - House Number Labels
  - Street Name Labels
  - City Limits
  - Creeks
  - Lake Names
  - Lakes
  - Parks
  - Parcels
  - 2012 Aerial Photo

Map created with ArcGIS - Copyright (C) LOGO GIS 2005



**PID: 3211721130060**

**5612 Tracy Ave  
Edina, MN 55436**



A3

5612 Tracy Subdivision: Explanation of Request

5612 Tracy Avenue is an oversized parcel that appears to be better suited as two parcels facing Hawkes Terrace. There currently is a single family dwelling on the site and a detached garage. The dwelling is in need of major renovation. Given the condition of the home, the break-up of value of the site has a much greater economic value than the single home/single site current configuration.

The proposed sites do not match the current zoning requirements for individual sites in lot median width and depth. Review of the plat and 500' radius surrounding neighborhood plats, it appears that original plat was meant to be two sites. Detailed answers to the variance questions are provided later in this application.

PLANNING DEPARTMENT  
JUN 25 2013  
CITY OF EDINA

## 5612 Tracy Subdivision: Explanation of Request

5612 Tracy Avenue represents a double parcel on the corner of Hawkes Terrace and Tracy Avenue. The remaining housing on Hawkes Terrace front Hawkes Terrace. There currently is a single family dwelling on the site and a detached garage. The dwelling is in need of major renovation. Given the condition of the home, the break-up of value of the site has a much greater economic value than the single home/single site current configuration. Also, the subject property is somewhat of an outlier, sitting back on its site and facing Tracy.

This subdivision requests separating the 160.1 by 122.75 foot lot, currently fronting Tracy on the 122.75 dimension, into two lots fronting Hawkes with 80 and 80.1 frontage. The south side of the site, which would be the Hawkes frontage, does have a rise and trees. The sites could either have (1) south side driveway egress to Hawkes with tuck under garage for the westerly site and optional egress to either Hawkes or Tracy at current curb cut for the easterly site or (2) create an easement access across east site from Tracy to the west site allowing rise and trees to be kept and retaining only one curb cut on Tracy. Plats were drawn as #1 option. We can have redrawn to #2 option, but that might be best left to the building permit process later.

PLANNING DEPARTMENT  
JUN 25 2013  
CITY OF EDINA

## Attachment A: 5612 Tracy Variance Responses:

The proposed Variance will:

1) Relieve practical difficulties in complying with the zoning ordinance and that the use is reasonable: YES. The 500' neighborhood creates two practical difficulties, one relating to the lot width and the other to the lot depth. First, with regards to the lot width of the proposed sites, the proposed sites will be just under the median, which for ordinance purposes, requires variance. Of the 63 sites in the neighborhood, 21 sites lie within 6 inches of width of the proposed sites (reference attachment B). Due to the original platting, a number of sites are pie-shaped. Width is determined with a 50' setback into the sites. The result is that these pie-shaped create a greater width value than measured at the street, as would be the case for a standard rectangular platted neighborhood where lot width is lot width. This has skewed the median upwards some, pushing a number of conforming width lots (over 75' width), 31 of 32 that fall below the median, into non-conformance. With regards to depth, the 500' neighborhood really consists of two property types, those with more of a standard lot depth of 120-140', and those with excessive lot depths, 200; and over. These groups represent 20 and 27 of the properties in the 62 property set respectively. See attachment C. Because of these two separate groups of properties, and their relative distribution of property, the median for this particular neighborhood has been skewed upwards forcing a number of the more standardized lots to be in nonconformance with the median rule. Further, when looking at Hawkes Terrace specifically, the lot depth of the proposed sites match up directly with the remaining sites on the northside of street.

2) Correct extraordinary circumstances applicable to this property but not applicable to other property in the vicinity or zoning district: YES. Of the 63 property set in the defined neighborhood, the only other parcel that is double sized in nature is 5633 Tracy, which just received subdivision approval this past spring. No other sites are situated in such a way that would allow two 80' frontage lots. Further, by review of the 500' neighborhood platting, the subject site appears to have belonged to Hawkes Terrace from a livability standpoint, since it represents approximately two times the site directly to the west.

3) Be in harmony with the general purposes and intent of the zoning ordinance: YES. The proposed sites meet minimum lot width of the zoning area (75'). The depth of the lot matches the site directly to the west. With regards to the intent or spirit of the ordinance, the proposed sites offer approximately the same site offering as a number of the neighboring sites. As referenced above, in the general field of properties in the 500' radius, the sites are really grouped in two categories, excessively deep lots and standard lots. I have highlighted this fact on attachment C. Note that of the 63 defined neighborhood homes, 20 of them range from 120-140' creating a more standard category, while there is another grouping of much larger property, 27 in count, that have depth in excess of 200'. Again, this really creates two groups of property. The Hawkes Terrace properties tend to be more standard sized and match more directly against the proposed sites.

4) Not alter the essential Character of the neighborhood: YES. Looking directly at the Hawkes sites, the new proposed sites more directly reflect those sites. Also, by changing the frontage of the subject into two frontages on Hawkes, the neighborhood character of that street will only be enhanced, feeling more consistent with itself. This subject, in its current state, is somewhat disconnected with both Tracy Avenue and Hawkes Terrace. Subdivision of this site will provide greater consistency for Hawkes Terrace.



Attachment B, Shanight Addition: Sorted By width, Raw data collected from Surveyors numbers

Lot No	Width	Length
39	0	0
32	68.5	121.8
9	75	247
12	75	224
19	75	300
20	75	300
21	75	300
22	75	230
23	75	157
31	75	155
33	75	121.8
34	75	135
30	76	155
49	76	140
24	80	137
27	80	136
28	80	217.5
29	80	217.5
35	80	200
36	80	200
37	80	295
38	80	295
42	80	247.5
43	80	247.5
51	80	135
52	80	217.5
53	80	247.5
62	80.5	232.5
63	80.5	232.5
41	80.6	232.5
40	80.7	232.5
44	80.7	232.5
45	80.7	232.5
46	80.7	232.5
47	80.7	232.5
10	82	217.5
50	83	165
58	83	248
11	84	155
18	85	125
25	85	135.7
26	85	136
60	85	125
55	86	140
56	86	140
15	90	130
17	90	125
54	93	161
59	93	130
61	93	130
57	98	130
16	100	125
14	103	125
13	110	235
2	112	150
7	112	150
1	120	157
3	120	150
5	120	153
8	120	150
48	125	224
6	135	148
4	150	190
median	80.7	157
average	87.04127	183.96508

NOTE: 21 sites out of 63 are within 0.7 Ft width of proposed sites

AG

Attachment C, Shanight Addition: Sorted by lot depth Raw data collected from Surveyors numbers

Lot No	Width	Depth
39	0	0
32	68.5	121.8
33	75	121.8
14	103	125
16	100	125
17	90	125
18	85	125
60	85	125
15	90	130
57	98	130
59	93	130
61	93	130
34	75	135
51	80	135
25	85	135.7
26	85	136
27	80	136
24	80	137
49	76	140
55	86	140
56	86	140
6	135	148
2	112	150
3	120	150
7	112	150
8	120	150
5	120	153
11	84	155
30	76	155
31	75	155
1	120	157
23	75	157
54	93	161
50	83	165
4	150	190
35	80	200
36	80	200
10	82	217.5
28	80	217.5
29	80	217.5
52	80	217.5
12	75	224
48	125	224
22	75	230
40	80.7	232.5
41	80.6	232.5
44	80.7	232.5
45	80.7	232.5
46	80.7	232.5
47	80.7	232.5
62	80.5	232.5
63	80.5	232.5
13	110	235
9	75	247
42	80	247.5
43	80	247.5
53	80	247.5
58	83	248
37	80	295
38	80	295
19	75	300
20	75	300
21	75	300
median	80.7	157
average	87.04127	183.96508

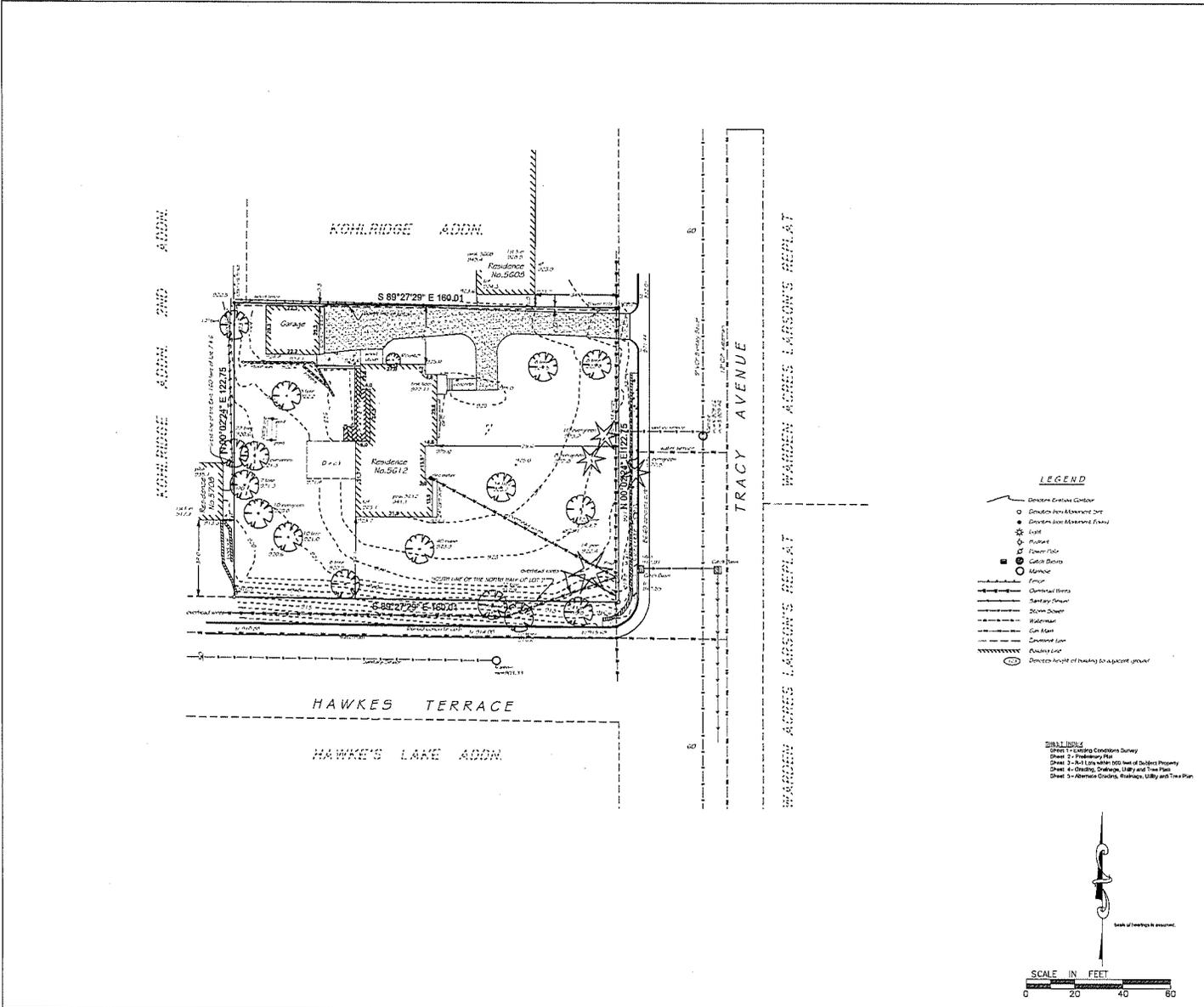
NOTE: Sites are primary in two groups, small sites, 120-140 lengths, and large sites 200+. General data set becomes very diverse because of this causing a very high median and average. This has forced a lot of the sites to be quite a bit under median.

Attachment A, Shanight Addition: Raw data collected from Surveyors numbers

Lot No	Width	Length
1	120	157
2	112	150
3	120	150
4	150	190
5	120	153
6	135	148
7	112	150
8	120	150
9	75	247
10	82	217.5
11	84	155
12	75	224
13	110	235
14	103	125
15	90	130
16	100	125
17	90	125
18	85	125
19	75	300
20	75	300
21	75	300
22	75	230
23	75	157
24	80	137
25	85	135.7
26	85	136
27	80	136
28	80	217.5
29	80	217.5
30	76	155
31	75	155
32	68.5	121.8
33	75	121.8
34	75	135
35	80	200
36	80	200
37	80	295
38	80	295
39	0	0
40	80.7	232.5
41	80.6	232.5
42	80	247.5
43	80	247.5
44	80.7	232.5
45	80.7	232.5
46	80.7	232.5
47	80.7	232.5
48	125	224
49	76	140
50	83	165
51	80	135
52	80	217.5
53	80	247.5
54	93	161
55	86	140
56	86	140
57	98	130
58	83	248
59	93	130
60	85	125
61	93	130
62	80.5	232.5
63	80.5	232.5
median	80.7	157
average	87.04127	183.96508

A10

ALL



- LEGEND**
- Existing Centerline
  - Existing Iron Assessment Jct
  - Existing Iron Assessment Point
  - ⊙ Utility
  - ⊕ Power Pole
  - ⊙ Catch Basin
  - Manhole
  - Fence
  - Ornamental Fence
  - Boundary Fence
  - Storm Sewer
  - Watermain
  - Gas Main
  - Sewer Main
  - Double Line
  - Detects Angle of bearing to adjacent ground

**SMALL DETAILS**  
 Sheet 1 - Existing Conditions Survey  
 Sheet 2 - Preliminary Plat  
 Sheet 3 - Final Plat when 100% area of Subject Property  
 Sheet 4 - Existing, Drainage, Utility and Tree Plan  
 Sheet 5 - Alternative Drainage, Retaining, Utility and Tree Plan



**EXISTING CONDITIONS SURVEY FOR:**  
**Tom & Gretchen Shanight**  
 5612 Tracy Ave.  
 Edina, MN 55436

**NOTES:**

Property Address: 5612 Tracy Ave., Edina, MN 55436  
 Property Identification Number: 32-117-21-13-060  
 Existing Zoning Classification - R-1 (Single Dwelling Unit District)  
 Proposed Zoning Classification - R-1 (Single Dwelling Unit District)

**Required Building Setbacks:**  
 Front Yrft: Average of adjacent houses.  
 Side Yrft: Varies with building height (2 feet minimum)  
 Rear Yrft: 25 feet  
 Side Street: Varies with building height (15 feet minimum)

Total Area of Property = 19941 sq.ft. (0.45 acres)

**Hardcover Calculations**  
 Residence = 12000 sq.ft.  
 Garage = 4512 sq.ft.  
 Deck & porch = 263,150 - 113 sq.ft.  
 Total Hardcover = 2495 sq.ft.  
 Area of Parcel = 12000 sq.ft.  
 Percentage of Hardcover = 12.5%

Property located in Zone "X", an area of minimal flooding, per FEMA map No. 21602C002C, effective date of Sept. 2, 2004.

Boundary: Top half of lot at SE corner of Tracy Ave. and Tracy  
 Elevation = 937.37 feet

**Legal Description**

The South 1 foot of the East 168 feet of Lot 6 and the East 166 feet of the North Half of Lot 7, WARREN ACRES, Hennepin County, Minnesota.

**EXISTING CONDITIONS SHANIGHT ADDITION**  
 For:  
**Tom & Gretchen Shanight**  
 5612 Tracy Ave.  
 Edina, MN 55436

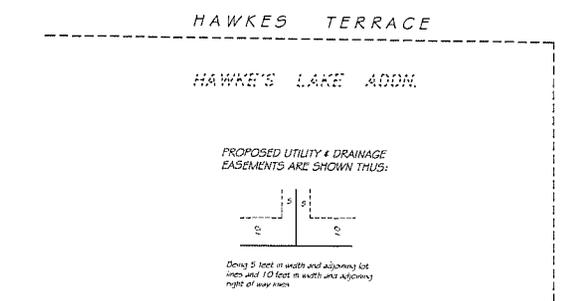
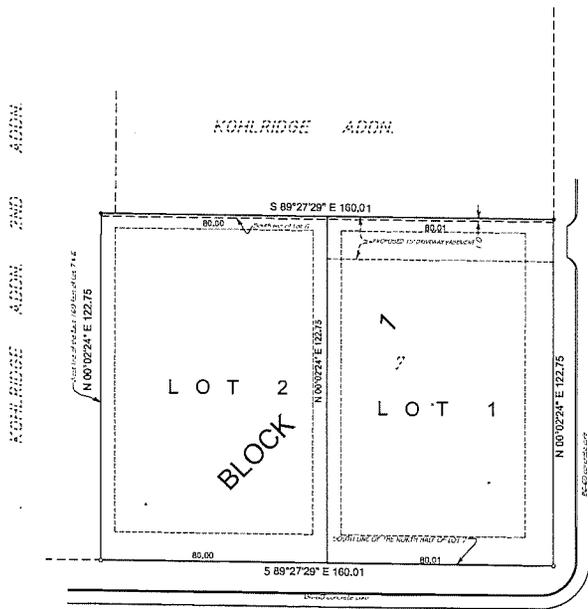
**CERTIFICATION**

The only assessments shown are items placed in record or information provided by client.  
 I certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed and Surveyor under the laws of the State of Minnesota.  
 Dated this 12th day of June, 2013

Signed: *Gregory M. P. Kelly*  
 Gregory M. P. Kelly, Reg. No. 23652

Date of Survey		<b>LOT SURVEYS COMPANY, INC.</b> <b>LAND SURVEYORS</b> 7861 73RD AVENUE N.E. BONDALYN PARK, MN 55426 763-660-3063 phone 763-660-3822 fax
Revised	7/15/13	
File No.	16011442013-010	P.N. No. 1068-28 Issue No. 81442

K12



6

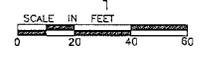
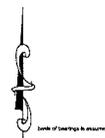
6

TRACY AVENUE

WARDEN ACRES LARSON'S REPLAT

WARDEN ACRES LARSON'S REPLAT

**SHEET INDEX**  
 Sheet 1 - Laying Conditions Survey  
 Sheet 2 - Platbook, Plat  
 Sheet 3 - Lot 1, Lots 101-102, 103-104 of Original Property  
 Sheet 4 - Grading, Drainage, URM and Tree Plant  
 Sheet 5 - Airphoto Grading, Grate, Utility and Tree Plant



**PRELIMINARY PLAT FOR:**  
**Tom & Gretchen Shanight**  
 5612 Tracy Ave.,  
 Edina, MN 55436

**NOTES:**

Property Address: 5612 Tracy Ave., Edina, MN 55436  
 Property Identification Number: 22-117-21-13-0060  
 Existing Zoning Classification - R-1 (Single Dwelling Unit District)  
 Proposed Zoning Classification - R-1 (Single Dwelling Unit District)  
**Setback Building Footprints:**  
 Front Yard: Average of adjacent houses.  
 Side Yard: Varies with building height (3 feet minimum)  
 Rear Yard: 25 feet  
 Side Street: Varies with building height (15 feet minimum)  
 Total Area of Property = 19941 sq.ft. (0.45 acres)  
 Total number of proposed Lots = 2  
 Area of proposed Lots  
 Lot 1 = 8828 sq.ft.  
 Lot 2 = 8820 sq.ft.  
 Owner and Developer:  
 Thomas & Gretchen Shanight  
 5612 Tracy Ave.  
 Edina, MN 55436  
 Contact:  
 Rod Horn  
 3813 Excelsior Blvd., Suite 100  
 Minneapolis, MN 55419  
 phone 952-924-6248

Replat: Top out of hydrant or SE corner of Tracy Ave. and Yarrow  
 Distance = 197.37 feet

**Legal Description**

The South 1/2 of the East 160 feet of Lot 6 and the East 160 feet of the North Half of Lot 7, WARDEN ACRES, Hennepin County, Minnesota.

**PRELIMINARY PLAT**  
**SHANIGHT ADDITION**  
 For:  
**Tom & Gretchen Shanight**  
 5612 Tracy Ave.,  
 Edina, MN 55436

**CERTIFICATION**

The only easements shown are from plats of record or references provided by client. I certify that this plan, specification, 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. Dated this 12th day of June, 2013.

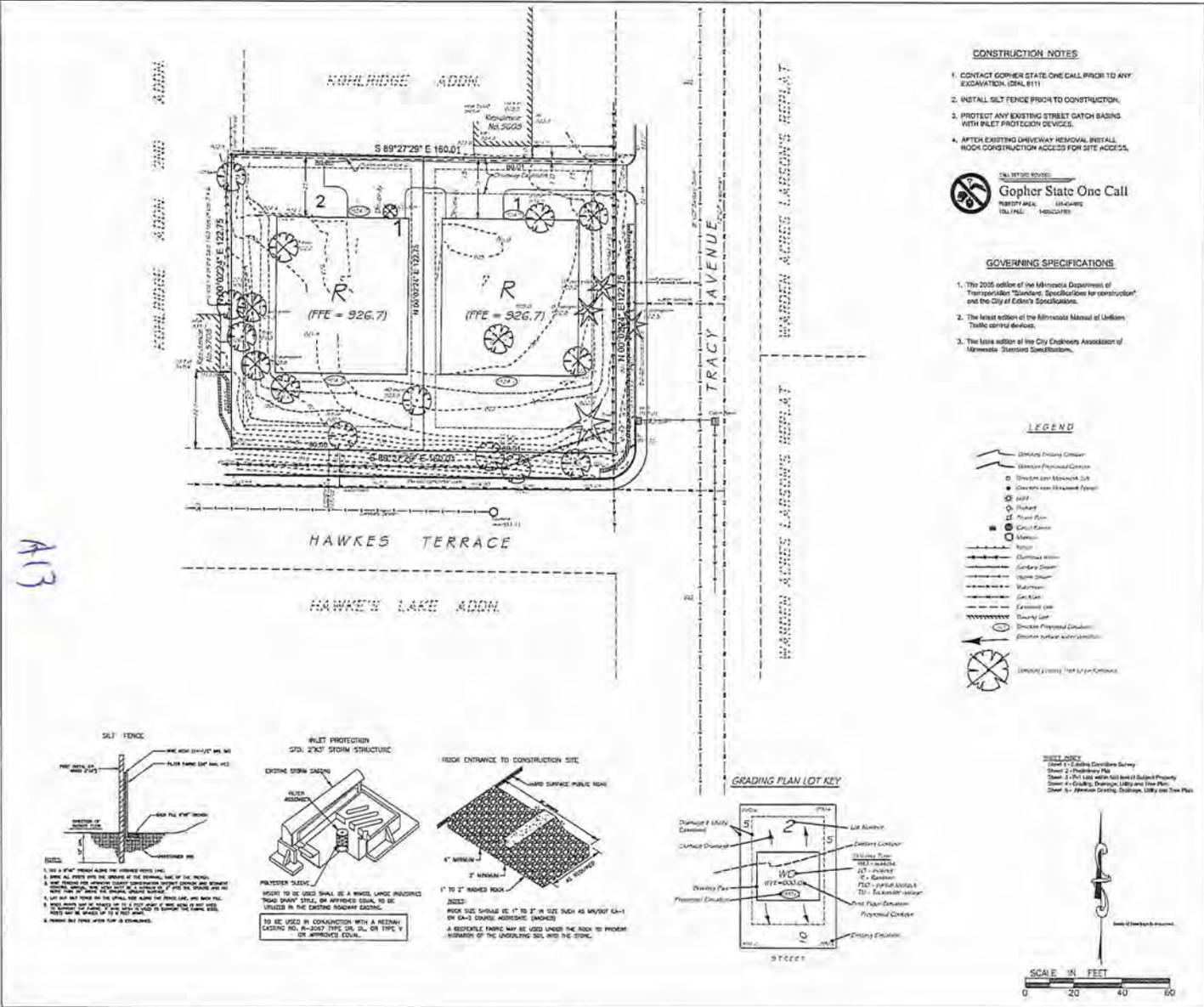
Signed: *Gregory R. Probst*  
 Gregory R. Probst, Mpls., Reg. No. 24932

Date of Survey	7-15-13
Replat	

**LOT SURVEYS COMPANY, INC.**  
**LAND SURVEYORS**  
 7801 73RD AVENUE N.  
 2ND FLOOR, 73RD PARK, LOTS 55428  
 763-660-3033 phone  
 763-660-3032 fax

File No. *104 and 105*

P.L.S. No. 1065-20 Issue No. 81442



- CONSTRUCTION NOTES**
1. CONTACT Gopher State One Call PRIOR TO ANY EXCAVATION. (DIAL 811)
  2. INSTALL SILT FENCE PRIOR TO CONSTRUCTION.
  3. PROTECT ANY EXISTING STREET GATCH BASIN WITH INLET PROTECTION DEVICES.
  4. AFTER EXISTING DRIVEWAY REMOVAL, INSTALL ROCK CONSTRUCTION ACCESS FOR SITE ACCESS.



- GOVERNING SPECIFICATIONS**
1. The 2005 edition of the Minnesota Department of Transportation "Standard Specifications for Construction" and the City of Eden's Specifications.
  2. The latest edition of the Minnesota Manual of Uniform Traffic Control Devices.
  3. The latest edition of the City Engineers Association of Minnesota Standard Specifications.



A13

ALTERNATE GRADING, DRAINAGE, UTILITY AND TREE PLAN  
**Tom & Gretchen Shanight**  
 5612 Tracy Ave.  
 Eden, MN 55436

**NOTES:**

Property Address: 5612 Tracy Ave., Eden, MN 55436  
 Property Identification Number: 32-117-21-15-0000  
 Existing Zoning Classification: R-1 (Single-Dwelling Unit Districts)  
 Proposed Zoning Classification: R-1 (Single-Dwelling Unit Districts)  
**Minimum Building Setbacks:**  
 Front Yard: Average of adjacent houses.  
 Side Yard: Varies with building height (3 feet minimum)  
 Rear Yard: 25 feet  
 Side Street: Varies with building height (15 feet minimum)  
 Total Area of Property: 19541 sq. ft. (0.45 acres)  
 Total Number of Proposed Lots: 2  
 Area of proposed Lots:  
 Lot 1 = 9520 sq. ft.  
 Lot 2 = 9520 sq. ft.  
 (at base elevation of original topography = 927.1 feet)

**Legal Description**

The South 1/2 part of the East 1/4 of Lot 6 and the East 1/4 of the North 1/2 of Lot 7, WASHBURN ACRES, Hennepin County, Minnesota.

ALTERNATE GRADING, DRAINAGE, UTILITY AND TREE PLAN  
**SHANIGHT ADDITION**  
 For:  
**Tom & Gretchen Shanight**  
 5612 Tracy Ave.  
 Eden, MN 55436

**CERTIFICATION**

The undersigned hereby certifies that the data and information provided by client, I certify that this plan, specification, 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. Dated this 17th day of August 2010.

Signature: *Robert A. Hagg*  
 Robert A. Hagg, L.S., No. 163,292

Date of Survey	
Project	
Drawn by	
Checked by	
Scale	

**LOT SURVEYS COMPANY, INC.**  
 LAND SURVEYORS  
 1701 73RD AVENUE N.  
 BRIDGEMAN PARK, MN 55426  
 763-580-3033 phone  
 763-580-3522 fax

File No. 10-01424/Eden/Eden P.B. No. 1006-23 Subd No. 81442





AL6

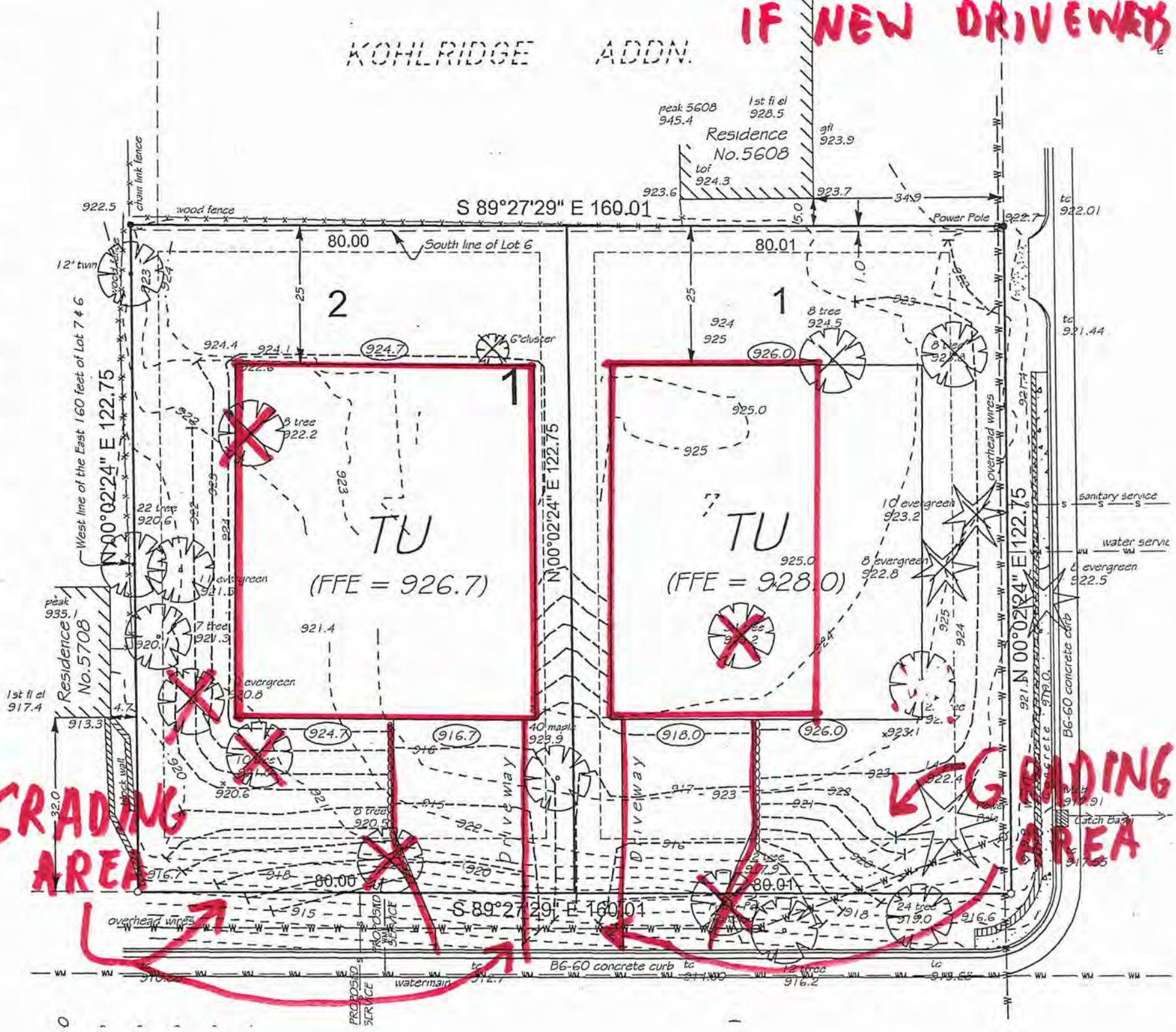
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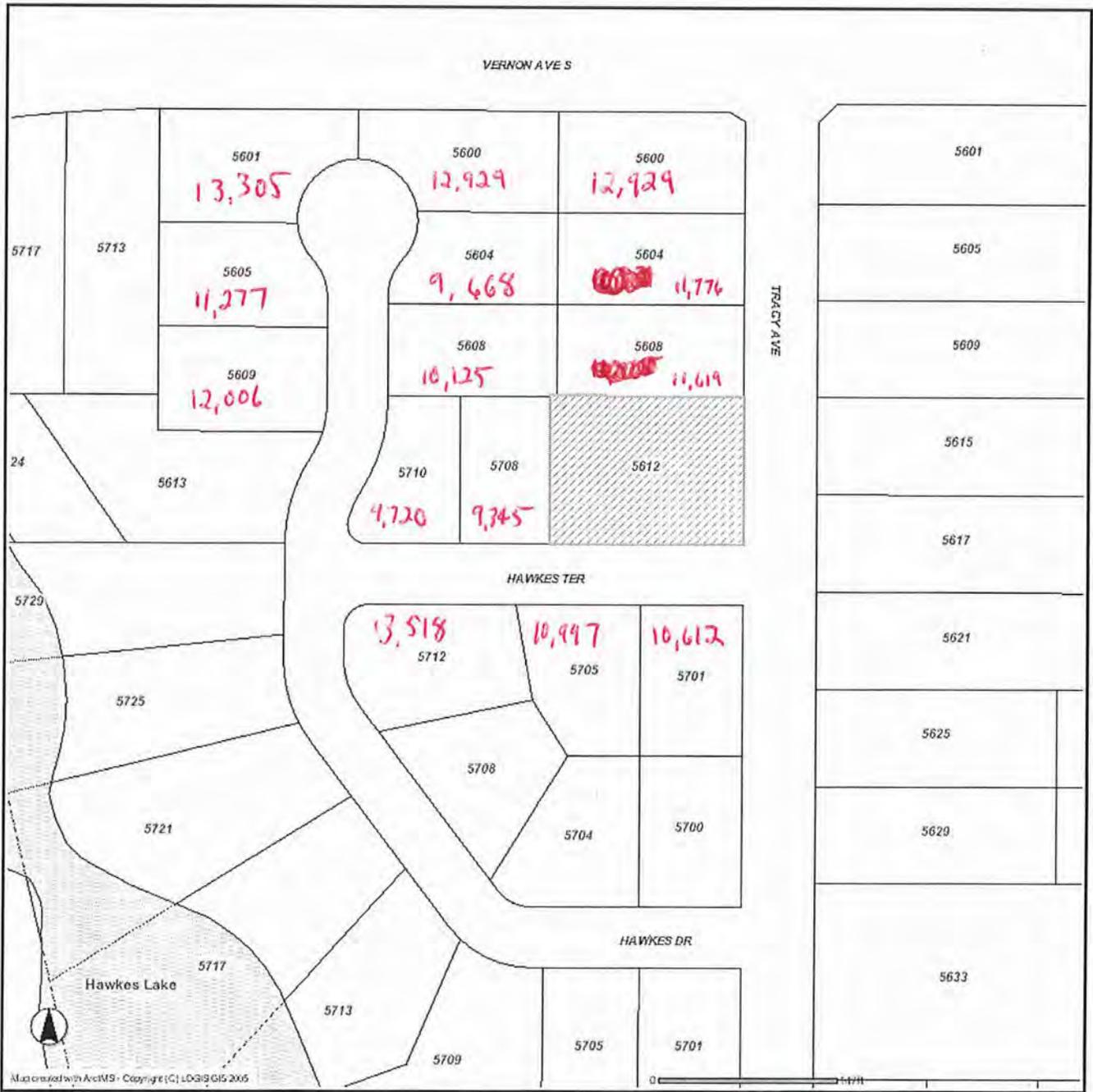
KOHLRIDGE ADDN.

IF NEW DRIVEWAYS

GRADING AREA

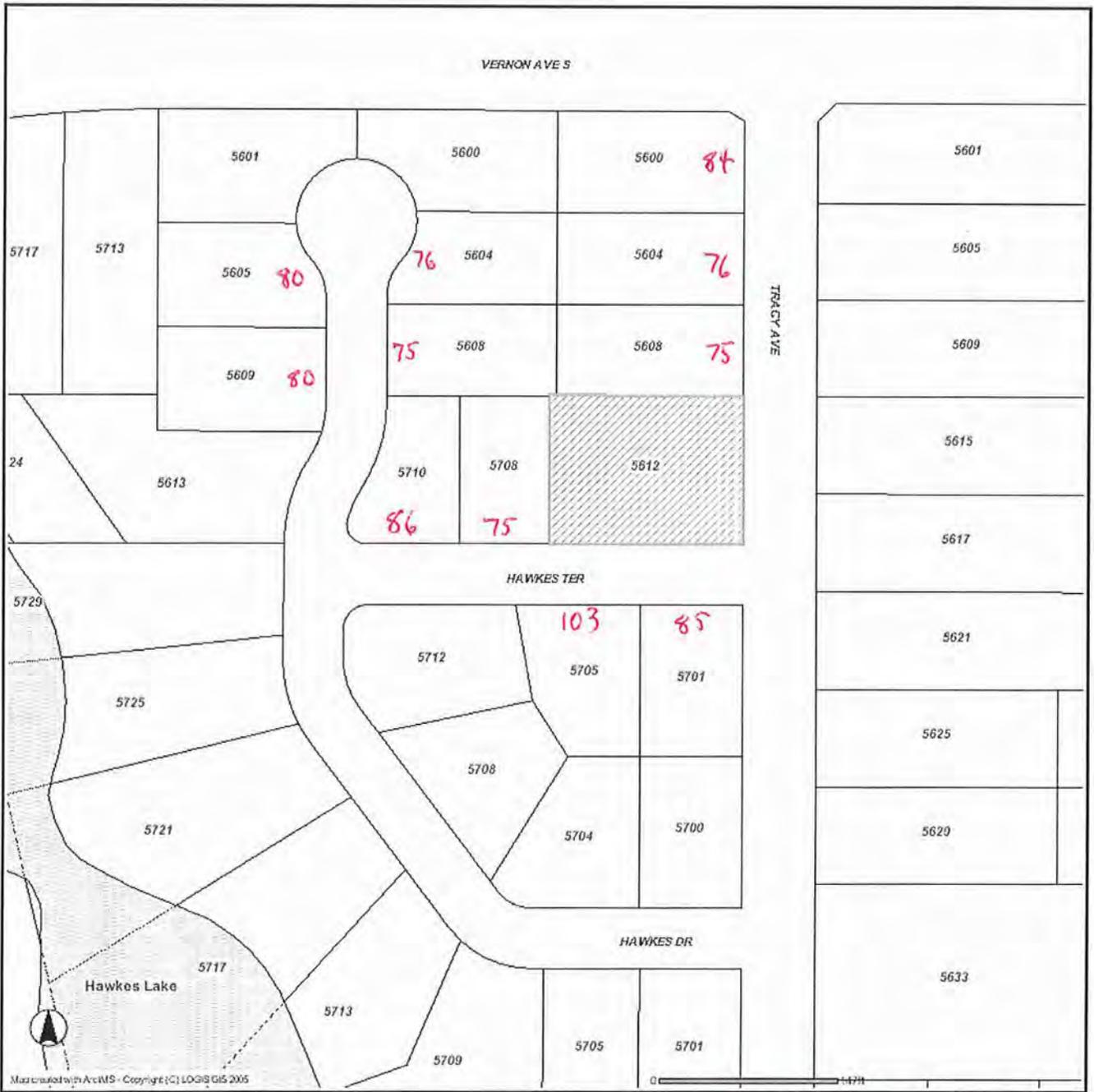
GRADING AREA





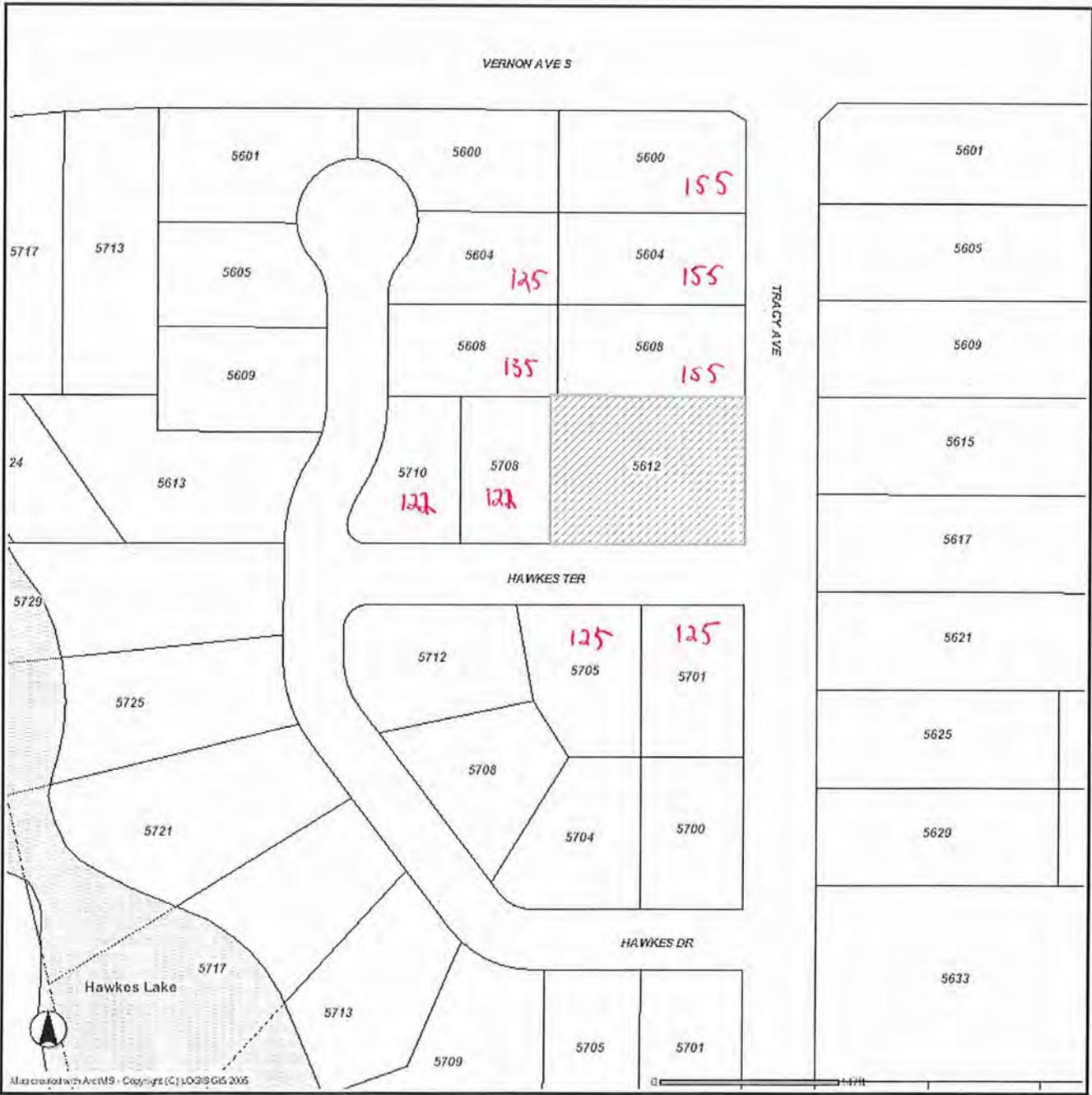
LOT AREA

A17



LOT WIDTH

118



LOT DEPTHS

A19

# City of Edina



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

APPROVED  
SUBMISSION

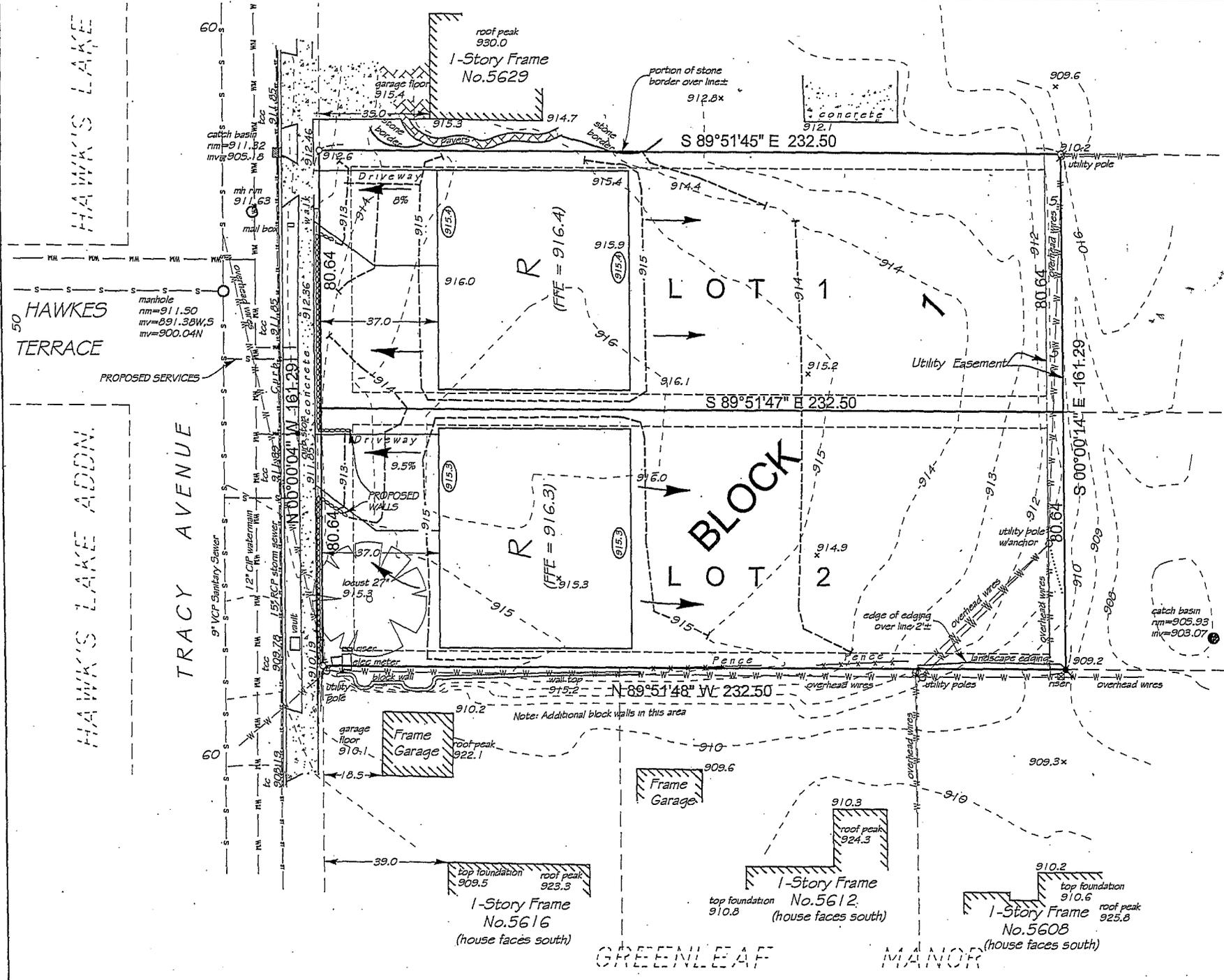


PID: 3211721130060

5612 Tracy Ave  
Edina, MN 55436



A20



**CONSTRUCTION NOTES**

1. CONTACT GOPHER STATE ONE CALL EXCAVATION. (DIAL 811)
2. INSTALL SILT FENCE PRIOR TO CONS
3. PROTECT ANY EXISTING STREET CAV WITH INLET PROTECTION DEVICES.
4. AFTER EXISTING DRIVEWAY REMOVA ROCK CONSTRUCTION ACCESS FOR.



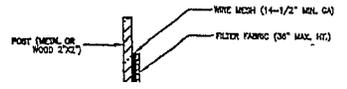
**GOVERNING SPECIFIC**

1. The 2005 edition of the Minnesota Depa Transportation "Standard, Specifications and the City of Edina's Specifications.
2. The latest edition of the Minnesota Manu Traffic control devices.
3. The latest edition of the City Engineers A Minnesota Standard Specifications.

**LEGEND**

- - - Denotes Existing Contour
- - - Denotes Proposed Contour
- Denotes Iron Monument 5x
- Denotes Iron Monument 1x
- ☆ Light
- ⊕ Hydrant
- ⊖ Power Pole
- ⊗ Catch Basins
- ⊙ Manhole
- - - - - Fence
- - - - - Overhead Wires
- - - - - Sanitary Sewer
- - - - - Storm Sewer
- - - - - Watermain
- - - - - Gas Main
- - - - - Easement Line
- - - - - Building Line
- Ⓢ Denotes Proposed Elevation
- Denotes surface water direction
- ⊗ Denotes Existing Tree to be removed

SILT FENCE



INLET PROTECTION  
 STD. 2'X3' STORM STRUCTURE



ROCK ENTRANCE TO CONSTRUCTION SITE

**SHEET INDEX**  
 Sheet 1 - Exh...  
 Sheet 2 - Prel...  
 Sheet 3 - R-1...  
 Sheet 4 - Gra...

P.C. 2/13/2013

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**E. Subdivision. Kiser. 5633 Tracy Avenue, Edina, MN**

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**Planner Presentation**

Planner Teague informed the Commission Rodney Helm on behalf of Miriam Kiser is proposing to subdivide the property at 5633 Tracy Avenue into two lots. To accommodate the request the following is required:

1. A subdivision; and
2. Lot width variances from 85 feet to 80 feet for each lot.

Teague explained that both lots would gain access off Tracy Avenue. Within this neighborhood, the median lot area is 12,090 square feet, median lot depth is 136 feet, and the median lot width is 85 feet. The new lots would meet the median area and depth, but would be just short of the median width.

The applicant is proposing to subdivide the property in the same manner as the adjacent property to the east. Teague noted the condition of this oversized lot is generally unique to the Tracy Avenue area.

Planner Teague concluded that staff recommends that the City Council approve the proposed two lot subdivision of 5633 Tracy Avenue and the lot width variances from 85 feet to 80 feet for each lot. Approval is based on the following findings:

1. Except for the variances, the proposal meets the required standards and ordinance for a subdivision.
2. The subdivision would meet the neighborhood medians for lot area and depth, and nearly meet the median width.
3. The proposal is consistent with the lots on this block of Tracy Avenue.
4. The 80-foot wide lot is wider than the general standard required width of 75 feet.
5. The proposal meets the required standards for a variance, because:
  - a. There is a unique hardship to the property caused by the existing size of the property which is two times the size of every lot on the block.
  - b. The requested variances are reasonable in the context of the immediate neighborhood. The existing lot is both larger and wider than most properties in the area, including nearly every lot on the block. The proposed subdivision would result in two lots more characteristic of the neighborhood.
  - c. The variances would meet the intent of the ordinance because the proposed lots are of similar size to others in the neighborhood.
  - d. If the variances were denied, the applicant would be denied a use of his property, an 80-foot wide lot, which is common to the area.

Approval is also subject to the following conditions:

1. The City must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.
2. Prior to issuance of a building permit, the following items must be submitted:
  - a. Submit evidence of a Nine Mile Creek Watershed District approval. The City may require revisions to the preliminary plat to meet the district's requirements.
  - b. A curb-cut permit must be obtained from the Edina engineering department.
  - c. A grading plan subject to review and approval of the city engineer.
  - d. All storm water from the proposed homes, driveways, and westerly half of the lots shall drain to Tracy Avenue.
  - e. Any disturbance to the roadway caused by the construction of the new homes must be repaired by replacing the asphalt pavement from curb-to-curb and from saw-cut to saw-cut.
  - f. A construction management plan will be required for the construction of the new homes.
  - g. Utility hook-ups are subject to review of the city engineer.

### **Appearing for the Applicant**

Rodney Helm on behalf of Miriam Kiser and Miriam Kiser, property owner.

### **Discussion**

Chair Staunton asked Planner Teague to clarify how lot sizes are determined; by the average or median. Planner Teague responded it's the median.

Commissioner Scherer commented that if she read the plans correctly the requested subdivision would mirror exactly the lots to its east. Planner Teague responded in the affirmative.

### **Applicant Presentation**

Mr. Helm addressed the Commission and introduced property owner and longtime Edina resident Miriam Kiser.

Mr. Helm noted that within the 500-foot neighborhood there are 77 data sets. 22 of the lots range between 80 – 81 feet in width and eleven are at 80 feet. Mr. Helm pointed out while lot width variances are required for each lot the lots will exceed the minimum lot width requirement of 75-feet. Mr. Helm informed Commissioners that Tracy is a

State road and the State indicated they have no issues with the subdivision as proposed. Helm also noted both lots are stubbed for water. Concluding, Mr. Helm asked the Commission for their support. Mrs. Kiser echoed that statement.

Chair Staunton asked if anyone in the audience would like to speak to this issues; being none Commissioner Scherer moved to close the public hearing. Commissioner Forrest seconded the motion. All voted aye; motion carried.

### Discussion

Commissioner Forrest said she doesn't agree with staff that one of the practical difficulties is the oversized lot. She added in her opinion practical difficulties exist because the median lot width gets skewed by the adjoining properties; however she pointed out lot area and depth exceed the median.

### Motion

Commissioner Forrest moved to recommend preliminary plat approval with variances based on staff findings and subject to staff conditions. Commissioner Grabiell seconded the motion. All voted aye; motion carried.

## VIII. REPORTS AND RECOMMENDATIONS

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### A. Zoning Ordinance Update – Residential Development – Ken Potts, Arlene Forrest and Mike Platteter

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Commissioner Platteter introduced Commissioners Potts and Forrest reporting the three (at the request of the Commission) volunteered late October early November to create a small "working group/subcommittee" to tackle the issues of residential redevelopment as it relates to Code issues and construction management. Platteter said their final goal would be to provide suggestions/recommendations to the Planning Commission and City Council.

Commissioners Platteter, Forrest and Potts gave a brief overview and with the aid of graphics indicated where "we" were and where "we" are going. The following points were highlighted:

- Held two public information gathering forums and evaluated input results.
- Presented to the Commission current zoning comparisons between Cities; noting that Edina "fell into" the more restrictive category.
- As mentioned at the last Planning Commission meeting the themes of "concern" appear to fall into two categories; new/remodel, home size and lot modification

Minutes/Edina City Council/March 5, 2013

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

**V. SPECIAL RECOGNITIONS AND PRESENTATIONS**

**V.A. FRANCE AVENUE PEDESTRIAN ENHANCEMENT PROJECT – UPDATE PROVIDED**

Engineer Houle provided an update on the France Avenue Pedestrian Enhancement Project that was scheduled for construction from June to September of 2013. Mr. Houle answered questions of the Council related to right of way acquisition, ongoing work on urban design, and tying in to the existing bike infrastructure.

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

**VI.A. PRELIMINARY PLAT WITH VARIANCES, RODNEY HELM ON BEHALF OF MIRIAM KISER, 5633 TRACY AVENUE – RESOLUTION NO. 2013-26 ADOPTED**

Community Development Director Presentation

Community Development Director Teague presented the request of Rodney Helm, on behalf of Miriam Kiser, to subdivide the property at 5633 Tracy Avenue into two lots. The existing home would be torn down and two new homes built on the new lots. To accommodate this request, a Preliminary Plat and Lot Width Variances from 85 feet to 80 feet for each lot would be required. Mr. Teague indicated in this neighborhood, median lot area was 12,090 square feet, median lot depth was 136 feet, and median lot width was 85 feet. The new lots would meet the median area and depth but would be just short of the median width. Mr. Teague stated both staff and the Planning Commission recommended approval as the findings for variance approval had been met.

The Council asked questions of Mr. Teague relating to accommodation of storm water drainage, which would be addressed at the time of permit application. With regard to practical difficulty being tied to lot size, Mr. Teague noted if denied, this property owner would be denied a use that every other lot, including the lot to the east that was previously subdivided, had been granted.

Proponent Presentation

Miriam Kiser, proponent, stated she had lived at 5633 Tracy Avenue for 60 years.

Rodney Helm, Burnet Realty and listing agent for Ms. Kiser, indicated staff had well summarized the request and neighbors had provided only positive responses. He noted the new lots would meet 155% of the median square footage and 171% of the median length.

The Council encouraged Ms. Kiser to contact staff so an interview with the Historical Society could be scheduled to preserve the history of this property and the Kisers' original mid-century modern home.

Mayor Hovland opened the public hearing at 7:36 p.m.

Public Testimony

No one appeared to comment.

**Member Bennett made a motion, seconded by Member Sprague, to close the public hearing.**

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

**Member Bennett introduced and moved adoption of Resolution No. 2013-26, approving a Preliminary Plat with Lot Width Variances at 5633 Tracy Avenue based on the following findings:**

1. Except for the variances, the proposal meets the required standards and ordinance for a subdivision.
2. The subdivision would meet the neighborhood medians for lot area and depth, and nearly meet the median width.

3. The proposal is consistent with the lots on this block of Tracy Avenue.
4. The 80-foot wide lot is wider than the general standard required width of 75 feet.
5. The proposal meets the required standards for a variance because:
  - a. There is a unique hardship to the property caused by the existing size of the property which is two times the size of every lot on the block.
  - b. The requested variances are reasonable in the context of the immediate neighborhood. The existing lot is both larger and wider than most properties in the area, including nearly every lot on the block. The proposed subdivision would result in two lots more characteristic of the neighborhood.
  - c. The variances would meet the intent of the ordinance because the proposed lots are of similar size to others in the neighborhood.
  - d. If the variances were denied, the applicant would be denied a use of this property, an 80-foot wide lot, which is common to the area.

And subject to the following conditions:

1. The City must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.
2. Prior to issuance of a building permit, the following items must be submitted:
  - a. Submit evidence of a Nine Mile Creek Watershed District approval. The City may require revisions to the preliminary plat to meet the District's requirements.
  - b. A curb-cut permit must be obtained from the Edina engineering department.
  - c. A grading plan subject to review and approval of the city engineer.
  - d. All storm water from the proposed homes, driveways, and westerly half of the lots shall drain to Tracy Avenue
  - e. Any disturbance to the roadway caused by the construction of the new homes must be repaired by replacing the asphalt pavement from curb-to-curb and from saw-cut to saw-cut.
  - f. A construction management plan will be required for the construction of the new homes.
  - g. Utility hook-ups are subject to review of the City Engineer.

Member Swenson seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

***VI.B. RESOLUTION NO. 2013-25 ADOPTED – APPROVING THE ISSUANCE OF OBLIGATIONS BY THE CITY OF LILYDALE, MINNESOTA TO FINANCE A PROJECT BY CALVIN CHRISTIAN SCHOOL OF MINNEAPOLIS***

Finance Director Presentation

Finance Director Wallin indicated that in 2008, Calvin Christian School had requested the City issue tax exempt bonding to fund a project; however, that proposal was turned down. As a result, the School obtained taxable funding and was now requesting a public hearing to convert that taxable debt into tax-exempt conduit bank qualified debt issued by the City of Lilydale. It was noted the City of Edina would have no responsibility for the debt being proposed, if approved, and the purpose of the public hearing was to provide opportunity for residents to testify. Those comments would then be forwarded to the City of Lilydale.

Proponent Presentation

Steve Fenlon, 2042 Charlton Ridge, West St. Paul, Midwest Healthcare Capital and the Calvin Christian School's consultant, indicated if approved, the bond would be issued through the City of Lilydale to have access to bank qualification. A commercial bank would be the lender. The project scope was a building addition including a media center/library, computer lab, conference room, administrative office with health station, improvement to the front entry, a sprinkler system, extensive landscaping, and hallway with restrooms. That project cost was \$2.5 million with \$1.5 million financed through a taxable note.



**Date:** July 18, 2013

**To:** Cary Teague – Community Development Director

**From:** Wayne Houle – Director of Engineering

**Re:** Preliminary Plat for Shanight Addition  
Dated June 25, 2013

Engineering has reviewed the above stated proposed plat and offer the following comments:

- ⊙ A Nine Mile Creek Watershed permit will be required, along with other agency permits such as MPCA, curb cut permits from City of Edina Engineering Department, and a grading permit from the City of Edina Building Department.
- ⊙ SAC and REC fees will be required for this project.

**Sheet 4 of 4 – Grading, Drainage, Utility and Tree Plan:**

- Change background on plan to show improved Tracy Ave; the current plan does not show the concrete curb and gutter bike lane.
- Provide a swale from the southwest corner of the building pad of Lot 2 to Hawkes Terrace.
- To minimize the disturbance of the vegetative buffer along Hawkes Terrace, I would recommend that the applicant look at utilizing the current driveway apron on Tracy Ave for both driveways. I typically recommend removing driveways from collector streets to minimize access to busier roadways. I also recommend that the driveways be designed to have turn-around spaces so the exiting vehicles can drive into traffic versus backing into traffic.

Staff will require a more detail review of the Civil Plans if this project is approved by the City Council. Please contact me if you have any questions regarding this review.

A27