REPORT/RECOMMENDATION

To:	**MAYOR AND COUNCIL**	**Agenda Item**	**Item No. IV.E.**
From:	**Cary Teague** **Planning Director**	☒	**Action** ☐ **Discussion**
Date:	**February 6, 2012**	☐	**Information**
Subject:	**Resolution No. 2012-23 Lot Division at 5239 Highwood Drive**		
Deadline for a City Decision:	**January 15, 2011**		

ACTION REQUESTED:
Adopt the attached Resolution approving the Lot Division.

INFORMATION/BACKGROUND:
Mr. James Zavoral is proposing to shift the existing lot lines that divide his property at 5239 Highwood Drive, from 6008 and 6000 Pine Grove Road.

Planning Commission Recommendation: On January 11, 2012, the Planning Commission unanimously recommended approval of the Lot Division, subject to the findings and conditions set forth in the attached Planning Commission Staff Report.

ATTACHMENTS:
- Resolution 2012-23
- Planning Commission Staff Report, January 11, 2012
- Minutes from the January 11, 2012 Edina Planning Commission meeting

RESOLUTION NO. 2012-23
APPROVING A LOT DIVISION OF
5239 HIGHWOOD DRIVE,
6008 & 6000 PINE GROVE ROAD

City of Edina

WHEREAS, the following described tract of land is requested to be divided:

DESCRIPTION OF PROPERTY SURVEYED

Parcel 1 - 5239 Highwood Drive:
Lot 7, Block 1, Emerald Woods Addition

Parcel 2 - 6008 Pine Grove Road:
Lot 3, Block 1, Graytower Estates

Parcel 3 - 6000 Pine Grove Road:
Lot 2, Block 1, Graytower Estates

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

Parcel 1 - 5239 Highwood Drive:
See attached Exhibit A

Parcel 2 - 6008 Pine Grove Road:
See attached Exhibit A

Parcel 3 - 6000 Pine Grove Road:
See attached Exhibit A

WHEREAS, the requested subdivision is authorized under Code Section 810 and it has been determined to comply with the Subdivision and Zoning Regulations of the City of Edina and do not interfere with the Subdivision and Zoning Regulations as contained in the Edina City Code Sections 810 and 850;

NOW THEREFORE, it is hereby resolved by the City Council of the City of Edina, that the conveyance and ownership of the above described tracts of land as separate tracts of land are hereby approved and the requirements and provisions of Code Sections 850 and 810 are hereby waived to allow said division and conveyance thereof as separate tracts of land but only to the extent permitted under Code Sections 810 and 850 subject to the limitations set out in Code Section 850 and said Ordinances are now waived for any other purpose or as to any other provisions thereof, and further subject, however, to the provision that no further subdivision be made of said Parcels unless made in compliance with the pertinent Ordinances of the City of Edina.

Adopted this 6TH day of February, 2012.

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 February 6, 2012, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this ____ day of _____, 2012.

_____
City Clerk

Exhibit A

Frank R. Cardarelle
Land Surveyor, Inc.

6440 Flying Cloud Drive #103
Eden Prairie, Minnesota 55344
Phone: 952-941-3031
E-Mail cardarellels@aol.com

PROPOSED
Descriptions For Jim Zavoral
11-16-11
Rev. 11-21-11
Rev. 11-29-11
Rev. 12-2 -11

Description for 5239 Highwood Dr. Edina, Mn 55436
Lot 7 Block 1 Emerald Woods Addition; Except the South 35.0 Feet of said Lot 7, as measured at right angles to the South line of said Lot 7; and lying West of a line begining at a point on the South line 195.30 feet West of the Southeast corner of said Lot 7, to a point on the North line 150.10 feet West of the Northeast corner of said Lot7 and there terminating. Also Except that part of Lot 7 described as lying East of a line begining at a point on the South line 195.30 feet West of the Southeast corner of said Lot 7; to a point on the North line 150.10 feet West of the Northeast corner of said Lot 7 and there terminating.Subject to easements of record. All in Hennepin County Minnesota.

Subject to a easement,the East 152.60 feet of said Lot 7, for Pedestrian walk-way to Lake over the North 10.0 feet adjacent to the north line, easement to alow for a; dock bench or several chairs, and keep a canoe or other similar water craft.

Description for 6008 Pine Grove Rd. Edina Mn 55436
Lot 3 Block 1 Graytower Estates together with, that part of Lot 7 Block 1 Emerald Woods Addition Described as; The South 35.0 Feet of said Lot 7, as measured at right angles to the South line of said Lot 7, and lying West of a line begining at a point on the South line 195.30 feet West of the Southeast corner of said Lot 7; to a point on the North line 150.10 feet West of the Northeast corner of said Lot 7 and there terminating.Subject to easements of record. All in Hennepin County Minnesota.

Description for 6000 Pine Grove Rd. Edina Mn 55436
Lot 2 Block 1 Graytower Estates together with, that part of Lot 7 Block 1 Emerald Woods Addition Described as; lying East of a line begining at a point on South line 195.30 feet West of the Southeast corner of said Lot 7; to a point on the North line 150.10 feet West of the Northeast corner of said Lot 7 and there terminating.Subject to easements of record. All in Hennepin County Minnesota.

Subject to a easement,the East 152.60 feet of said Lot 7, for Pedestrian walk-way to Lake over the North 10.0 feet adjacent to the north line, easement to alow for a; dock bench or several chairs, and keep a canoe or other similar water craft.

PLANNING COMMISSION STAFF REPORT

Originator	Meeting Date	Agenda #
Cary Teague **Director of Planning**	**January 11, 2012**	**2011.017.11a**

INFORMATION & BACKGROUND

Project Description

Mr. James Zavoral is requesting to shift the existing lot lines that divide his property at 5239 Highwood Drive, from 6008 and 6000 Pine Grove Road. (See the property location on pages A1–A5.)

There is no new lot being created with the request, it is simply a shift in the rear lot lines to sell land to the adjacent property owners. The 6000 Pine Grove Road lot would gain additional land on Mirror Lake. The 5239 Highwood Drive lot would no longer own property abutting Mirror Lake, but would retain a private easement for access to the lake. The drainage and utility easement adjacent to Mirror Lake would remain. (See the proposed lot divison on pages A6–A8.)

Surrounding Land Uses

The surrounding land uses are all single-family homes zoned and guided low-density residential. (See pages A3–A5.)

Existing Site Features

Each lot contains a single-family residential home. There are no alterations planned for any of the homes. The three lots are generally oversized compared to other lots in the neighborhood. Total land area of the three lots is 184,853 square feet or 4.2 acres.

Planning

Guide Plan designation:	Low-density residential
Zoning:	R-1, Single-family residential

Primary Issue

- **Is the proposed lot division reasonable?**

Yes. The resulting lot line shift does not create an additional lot. The three lots are all oversized when compared to the neighborhood. (See page A2.) As demonstrated below, with the exception of the 6008 Pine Grove lot width, the proposed lots would still meet the minimum lot size requirements in the R-1 Zoning District. The lot width of 6008 Pine Grove is an existing nonconforming condition, and would not change as a result of the lot division.

Minimum Lot Requirements	Existing 5239 Highwood	Existing 6008 Pine Grove	Existing 6000 Pine Grove	Proposed 5239 Highwood	Proposed 6008 Pine Grove	Proposed 6000 Pine Grove
Lot Area – 19,369 s.f.	73,266 s.f.	34,481 s.f.	77,106 s.f.	35,481 s.f.	40,921 s.f.	108,451 s.f.
Lot Width – 120 feet	181 feet	*95 feet**	200 feet	181 feet	*95 feet**	200 feet
Lot Depth – 135 feet	480 feet	320 feet	325 feet	320 feet	355 feet	515 feet

**existing nonconforming condition*

Any new construction on these new lots would be subject to conformance with all of the City's rules and regulations regarding lot coverage, building height, setbacks and curb cuts.

Staff Recommendation

Recommend that the City Council approve the Lot Division of 5239 Highwood Drive, 6008 Pine Grove Road and 6000 Pine Grove Road.

Approval is subject to the following findings:

1. The existing and proposed lots meet all minimum lot size requirements.

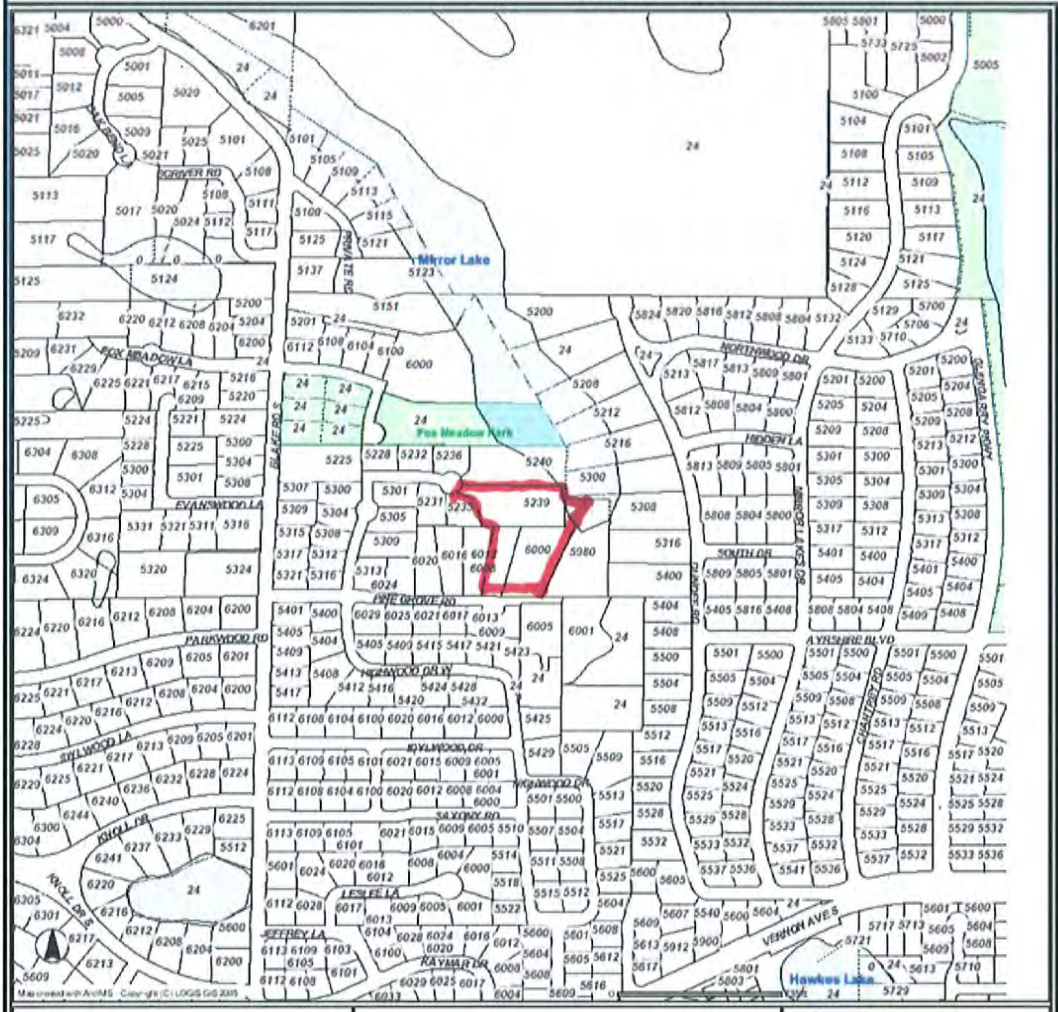
2. The three lots involved in the lot division are larger than most lots within the neighborhood.

Approval is subject to the following conditions:

1. All building activity on either lot must comply with all minimum zoning ordinance standards.

Deadline for a city decision: March 28, 2012

City of Edina



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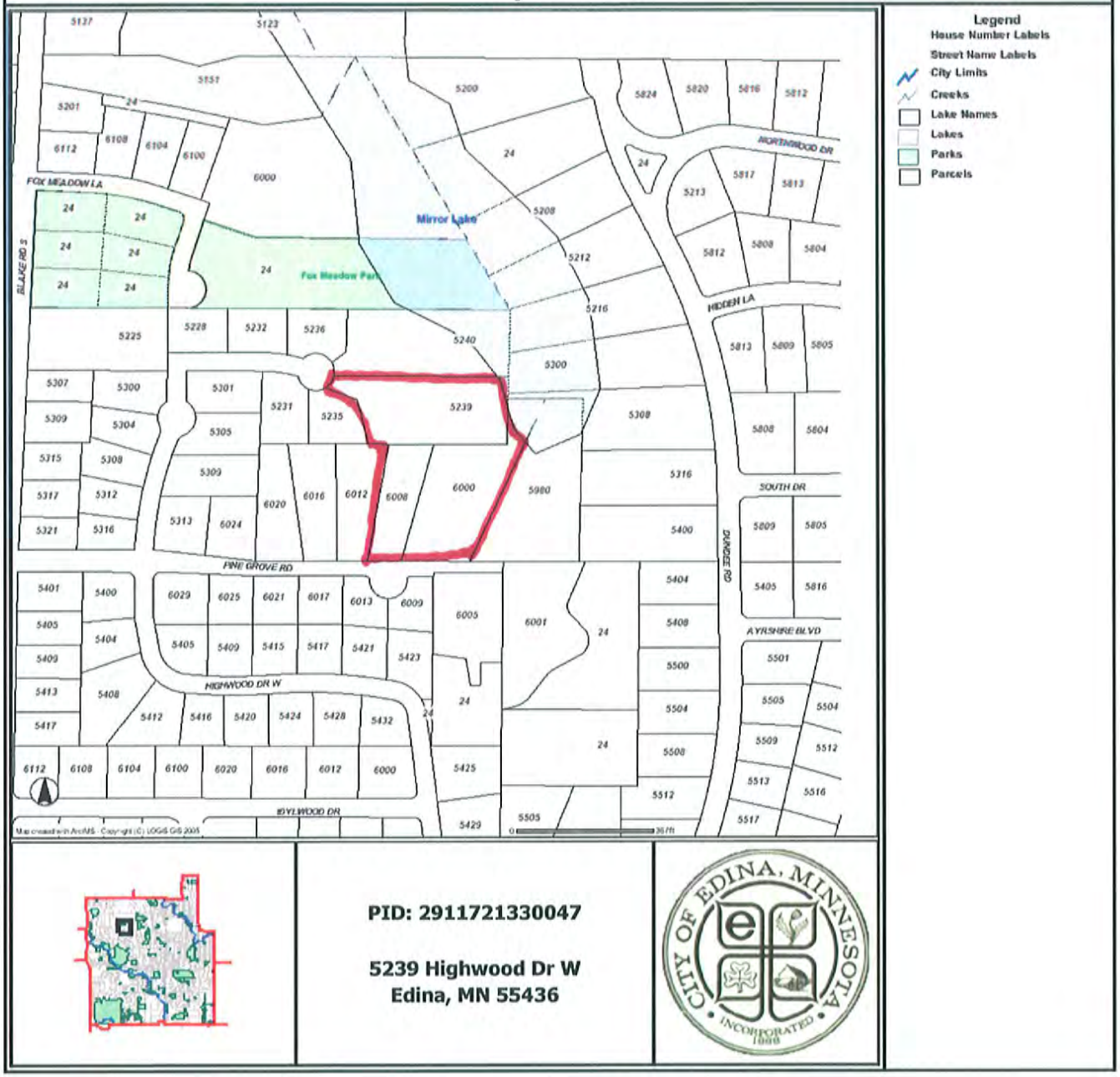
5239 Highwood Dr W
Edina, MN 55436

CITY OF EDINA, MINNESOTA
INCORPORATED
1888

A1

City of Edina



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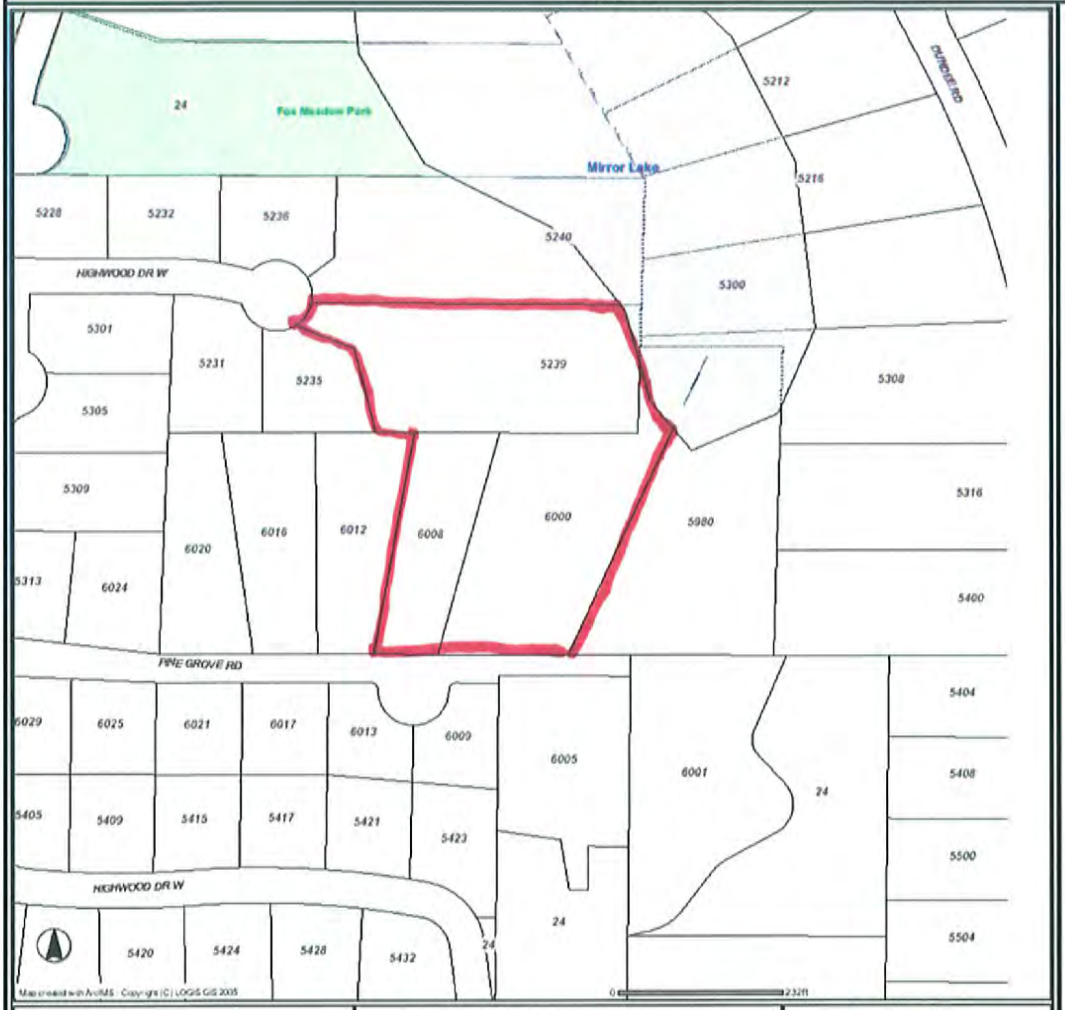
5239 Highwood Dr W
Edina, MN 55436

CITY OF EDINA, MINNESOTA
INCORPORATED 1888

A2

City of Edina



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

PID: 2911721330047

5239 Highwood Dr W
Edina, MN 55436

CITY OF EDINA, MINNESOTA · INCORPORATED 1888

A3

City of Edina

Legend
- House Number Labels
- Street Name Labels
- City Limits
- Creeks
- Lake Names
- Parks
- Parcels
- 2009 Aerial Photo

PID: 2911721330047

5239 Highwood Dr W
Edina, MN 55436

CITY OF EDINA, MINNESOTA
INCORPORATED 1888

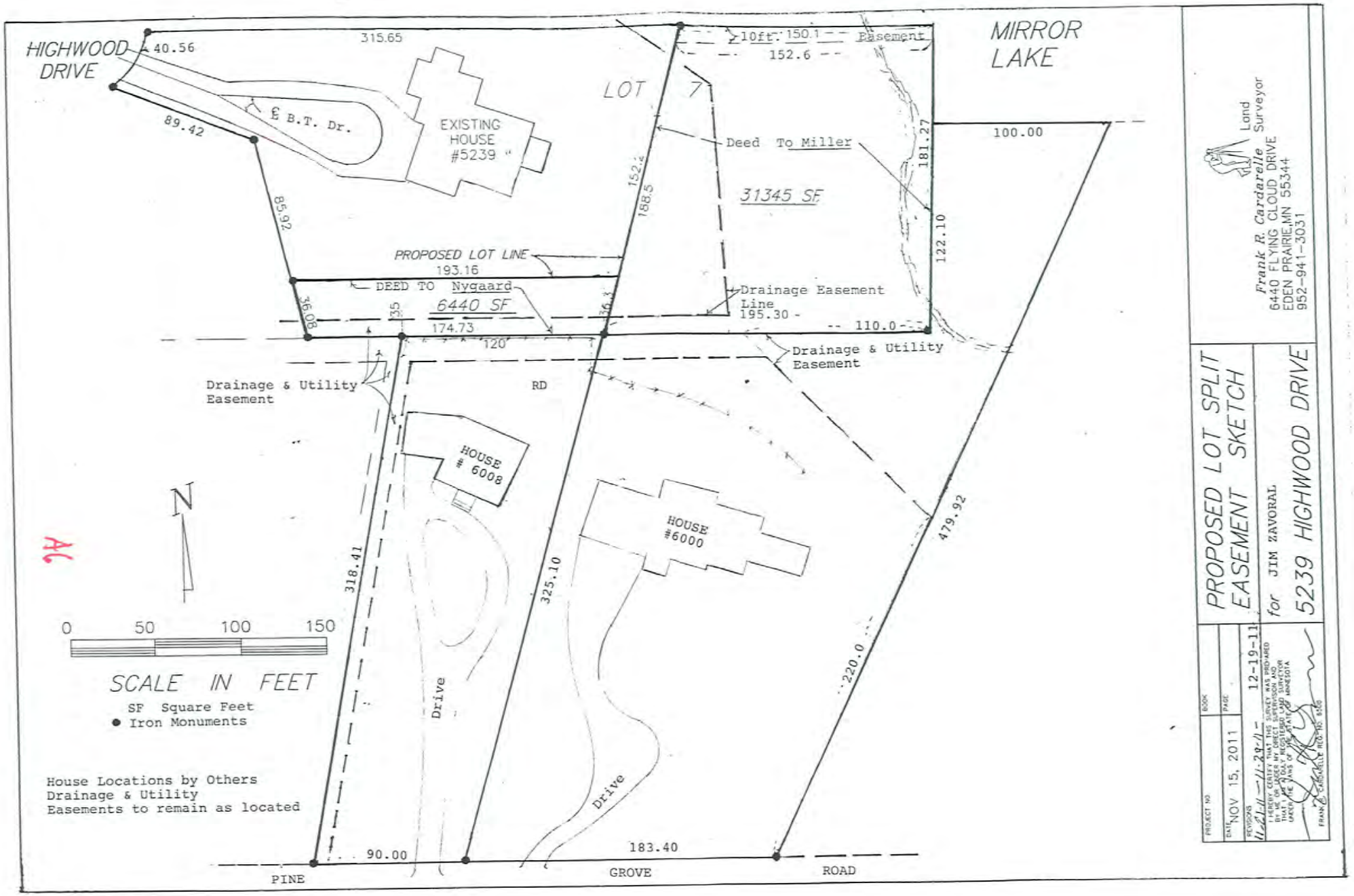
A4

City of Edina

PID: 2911721330047

5239 Highwood Dr W
Edina, MN 55436

CITY OF EDINA, MINNESOTA
INCORPORATED
1888


HIGHWOOD DRIVE
40.56
315.65
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℄ B.T. Dr.
EXISTING HOUSE #5239
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LOT 7
10ft. 150.1
Easement
152.6
MIRROR LAKE
Deed To Miller
31345 SF
152.4
188.5
181.27
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122.10
PROPOSED LOT LINE
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DEED TO Nygaard
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Drainage Easement Line
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Drainage & Utility Easement
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House Locations by Others
Drainage & Utility
Easements to remain as located
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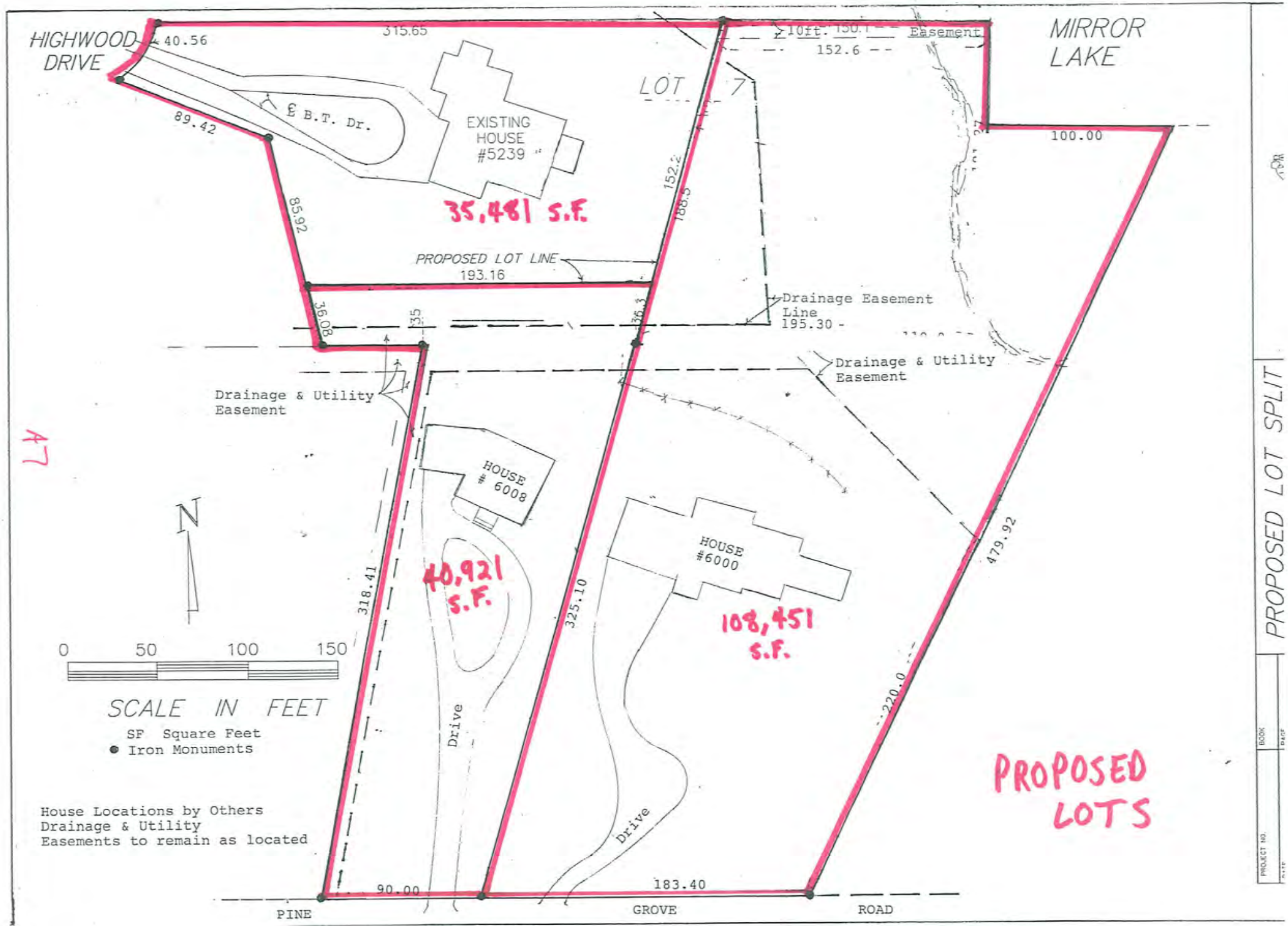
PINE
GROVE
ROAD
Land Surveyor
Frank R. Cardarelle
6440 FLYING CLOUD DRIVE
EDEN PRAIRIE,MN 55344
952-941-3031
PROPOSED LOT SPLIT
EASEMENT SKETCH
for JIM ZAVORAL
5239 HIGHWOOD DRIVE
PROJECT NO.
BOOK
DATE NOV 15, 2011
PAGE
REVISIONS
12-19-11
I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA
FRANK R. CARDARELLE REG. NO. 6440

A6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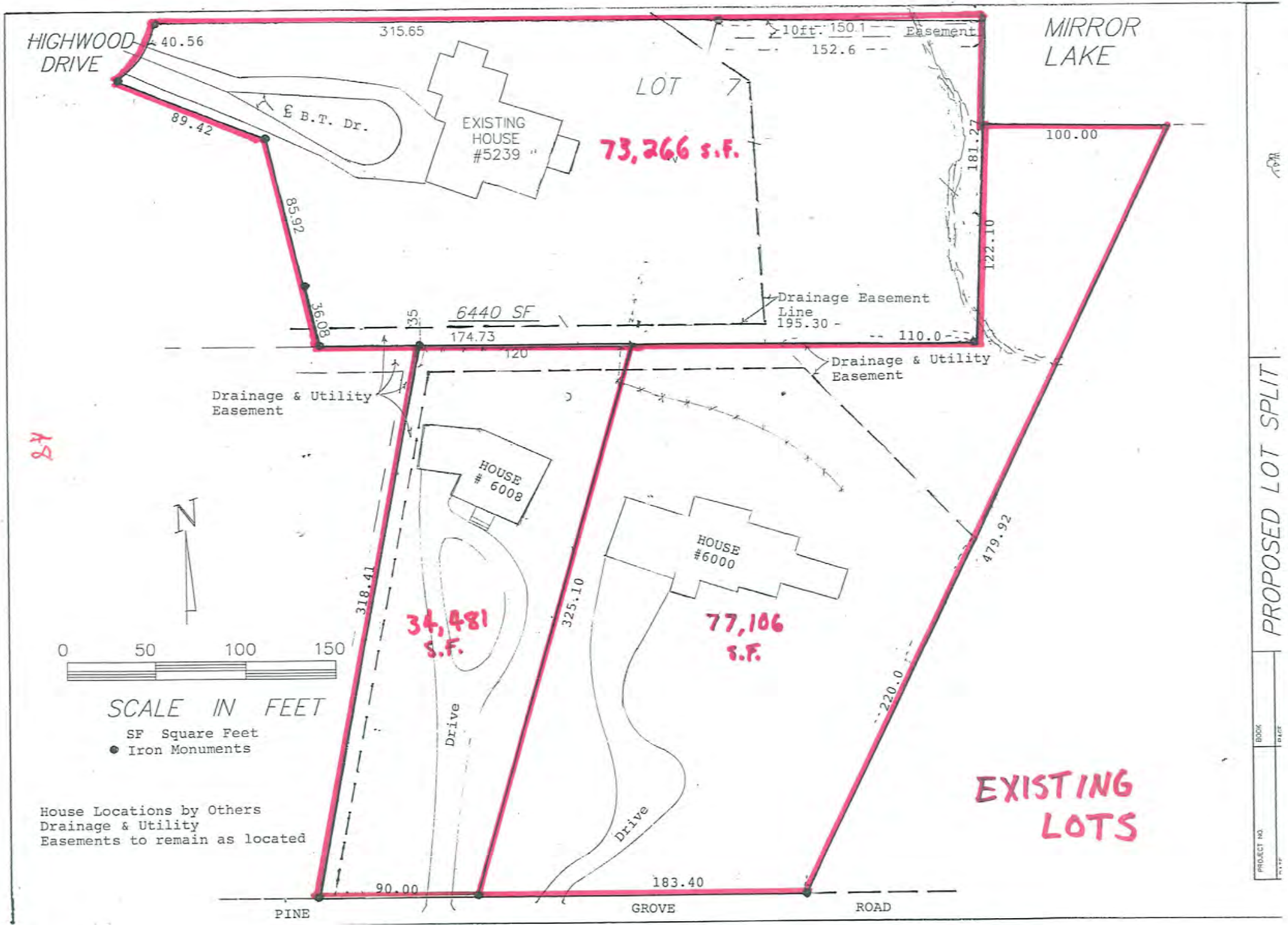
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BOOK
PAGE

P.C. Minutes
Jan. 11, 2012

house without review or comment. Carpenter said he sympathizes with the situation but believes maintaining the original plat makes sense.

Commissioner Scherer stated the job of the Commission is what's before us this evening. We can't speculate on what someone might do with their house/lot in the future.

Commissioner Forrest reiterated the Commission can place conditions on approval. Building height can be addressed and so can the trees. Forrest said it is important to ensure that any new house matches the neighborhood character.

Commissioner Staunton said this type of conversation is difficult; adding he supports the request as submitted.

Motion

Commissioner Staunton moved to recommend subdivision approval with variances based on staff findings and subject to staff conditions. Commissioner Carpenter seconded the motion. Ayes; Potts, Platteter, Carpenter, Staunton, Fischer, Grabiel. Nays; Scherer, Forrest, Schroeder. Motion carried 6-3.

2011-0017.11a **Lot Division**
James Zavoral
5239 Highwood Drive
6008 and 6000 Pine Grove Road, Edina

Planner Presentation

Planner Teague informed the Commission Mr. James Zavoral is requesting to shift the existing lot lines that divide his property at 5239 Highwood Drive, from 6008 and 6000 Pine Grove Road.

Teague explained that there is no new lot being created with the request, it is simply a shift in the rear lot lines to sell land to the adjacent property owners. The 6000 Pine Grove Road lot would gain additional land on Mirror Lake. The 5239 Highwood Drive lot would no longer own property abutting Mirror Lake, but would retain a private easement for access to the lake. The drainage and utility easement adjacent to Mirror Lake would remain.

Planner Teague concluded that staff recommends that the City Council approve the Lot Division of 5239 Highwood Drive, 6008 Pine Grove Road and 6000 Pine Grove Road based on the following findings:

1. The existing and proposed lots meet all minimum lot size requirements.
2. The three lots involved in the lot division are larger than most lots within the neighborhood.

Approval is also subject to the following condition:

1. All building activity on either lot must comply with all minimum zoning ordinance standards.

Discussion

Commissioner Staunton moved lot division approval based on staff findings and subject to staff conditions. Commissioner Scherer seconded the motion. All voted aye; motion carried 9-0.

VII. REPORTS AND RECOMMENDATIONS

Commissioner Staunton gave a brief report on the progress of the Grandview Small Area Plan Committee. He said the next meeting will be on January 19th and will be held at the Grange Hall from 7:00-9:00 PM. All are invited to attend.

VIII. CORRESSPONDENCE AND PETITIONS

Chair Grabiel acknowledged receipt of the Council Connection.

IX. CHAIR AND COMMISSION MEMBER COMMENTS

None

X. STAFF COMMENTS

Planner Teague reported he forwarded the ordinances the Commission worked on to the City Council. Teague said he would also look into the subdivision ordinance.

XI. ADJOURNMENT

Commissioner Scherer moved adjournment at 9:15 PM. Commissioner Forrest seconded the motion. All voted aye; motion carried 9-0

Jackie Hoogenakker
Respectfully Submitted