REPORT/RECOMMENDATION

To:	MAYOR AND COUNCIL	Agenda Item	Item No. IV.J.
From:	Cary Teague Planning Director		☒ Action ☐ Discussion
Date:	February 21, 2012		☐ Information
Subject:	Resolution No. 2012-36 Lot Division at 4236 Lynn Avenue		
Deadline for a City Decision:	March 28, 2012		

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

INFORMATION/BACKGROUND:
Ms. Raun Nelson and Carol and Frank Sidell are requesting to shift the existing lot line that divides their property at 4236 Lynn Avenue.

Planning Commission Recommendation: On February 8, 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 2012-36
- Planning Commission Staff Report, February 8, 2012
- Minutes from the February 8, 2012 Edina Planning Commission meeting

RESOLUTION NO. 2012-36
APPROVING A LOT DIVISION
AT 4236 LYNN AVENUE

City of Edina

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

DESCRIPTION OF PROPERTY SURVEYED

Parcel A:
See attached Exhibit A

Parcel B – 4236 Lynn Avenue:
See attached Exhibit A

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 A:
See attached Exhibit B

Parcel B – 4236 Lynn Avenue:
See attached Exhibit B

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 21st 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 21, 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

EXISTING LEGAL DESCRIPTION:

PARCEL A

That part of the following described land:
Lot 17;
That part of Lot 18 lying South of a line drawn from a point on the East line of said Lot 18, distant 66.27 feet South from the Northeast corner thereof, to a point on the West line of said Lot 18, distant 66.25 feet South from the Northwest corner thereof; said line being hereinafter referrer to as "Line A", all in Block 3, "Crocker & Crowell's First Addition".
All lying West of a line drawn from a point on the South line of said Lot 17, distant 86.0 feet West from the Southeast corner of said Lot 17, to a point on said "Line A", distant 86.0 feet West from the East line of said Lot 18. and

That part of the vacated West Ave. adjoining Block 3, "Crocker & Crowell's First Addition", lying between the extensions across it of the South line of said Lot 17, and the extension Westerly of said "Line A".

Torrens Property
Certificate No. 1132163
Hennepin County, Minnesota.

PARCEL B

Par 1: Lot 10, Block 3, "Crocker & Crowell's First Addition"

Par 2: That part of the following described land:
Lot 17;
That part of Lot 18 lying South of a line drawn from a point on the East line of said Lot 18, distant 66.27 feet South from the Northeast corner thereof, to a point on the West line of said Lot 18, distant 66.25 feet South from the Northwest corner thereof, said line being hereinafter referrer to as "Line A";
All lying East of a line drawn from a point on the South line of said Lot 17, distant 86.0 feet West from the Southeast corner of said Lot 17, to a point on said "Line A", distant 86.0 feet West from the East line of said Lot 18,
All in Block 3, "Crocker & Crowell's First Addition".

Torrens Property
Certificate No. 1083057
Hennepin County, Minnesota.

Exhibit B

PROPOSED SUBDIVISION LEGAL DESCRIPTIONS:

PARCEL A:

Lot 17, Block 3, Crocker & Crowell's First Addition, Hennepin County, Minnesota.

That part of Lot 18 lying South of a line drawn from a point on the East line of said Lot 18, distant 66.27 feet South from the Northeast corner thereof, to a point on the West line of said Lot 18, distant 66.25 feet South from the Northwest corner thereof; said line being hereinafter referred to as "Line A"; all in Block 3, Crocker & Crowell's First Addition, Hennepin County, Minnesota.

That part of the vacated West Avenue adjoining Block 3, Crocker & Crowell's First Addition, lying between the westerly extension across it of the South line of said Lot 17, and the westerly extension of said "Line A".

PARCEL B:

Lot 10, Block 3, Crocker & Crowell's First Addition, Hennepin County, Minnesota.

MINUTES
CITY OF EDINA, MINNESOTA
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
February 8, 2012
7:00 P.M.

I. CALL TO ORDER

Acting Chair Carpenter called the meeting of the Edina Planning Commission to order at 7:00 PM.

II. ROLL CALL

Answering the roll call were Commissioners Scherer, Forrest, Schroeder, Rock, Potts, Platteter, Cherkassky, Fischer, Carpenter.

Absent from the roll call were Staunton and Grabiel

III. APPROVAL OF MEETING AGENDA

Meeting Agenda was approved as submitted.

IV. APPROVAL OF CONSENT ITEMS

Commissioner Potts moved approval of the January 25, 2012, meeting minutes. Commissioner Scherer seconded the motion. All voted aye; motion carried.

V. COMMUNITY COMMENT

No comment.

Acting Chair Carpenter suggested that the requested Lot Division for 4236 Lynn Avenue be heard at this time.

VI. REPORTS/RECOMMENDATIONS

2012.0002.12a **Lot Division**
Carl Nelson/Frank Sidell
4236 Lynn Avenue, Edina, MN

Planner Presentation

Planner Teague informed the Commission that Raun Nelson and Carol & Frank Sidell are requesting to shift the existing lot line that divides their properties at 4236 Lynn Avenue.

Continuig, Teague explained 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 owner. Land owned by Carol & Frank Sidell, would gain additional land to be similar in depth to the lots also owned by Carol & Frank Sidell, to the north and south. The 4236 Lynn Avenue lot would be smaller in size, but similar in depth to the lots to the north and south.

Planner Teague concluded that staff recommends that the City Council approve the Lot Division of 4236 Lynn Avenue and Parcel A as submitted on the proposed lot division date stamped January 30, 2011 subject to the following findings:

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

Approval is also subject to the following conditions:

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

Motion

Commissioner Fischer moved to recommend lot division approval based on staff findings and subject to staff conditions. Commissioner Scherer seconded the motion. All voted aye; motion carried.

VII. PUBLIC HEARINGS

2011.0011.11A **Final Rezoning/PUD**
FE 70, LLC
6996 France Avenue, Edina, MN

Planner Presentation

Planner Teague informed the Commission that FE 70, LLC is proposing to tear down the existing gas station at 6996 France Avenue and re-build an 8,260 square foot office/retail building. The

PLANNING COMMISSION STAFF REPORT

Originator **Cary Teague** **Director of Planning**	Meeting Date **February 8, 2012**	Agenda # **2012.002.12a**

INFORMATION & BACKGROUND

Project Description

Raun Nelson and Carol & Frank Sidell are requesting to shift the existing lot line that divides their properties at 4236 Lynn Avenue. (See the property location on pages A1–A4.)

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 owner. (See the proposed lot divison on pages A5–A6.) Parcel A, owned by Carol & Frank Sidell, would gain additional land to be similar in depth to the lots also owned by Carol & Frank Sidell, to the north and south. (See page A7.) The 4236 Lynn Avenue lot would be smaller in size, but similar in depth to the lots to the north and south. (See pages A6–A7.)

Surrounding Land Uses

The surrounding land uses are all single-family homes zoned and guided low-density residential. (See pages A3–A4.)

Existing Site Features

The 4236 Lynn lot contains a single-family residential home with an attached garage, a detached shed and gazebo. There are no alterations planned for the home at this time. Parcel A is vacant. (See page A4.) All of the properties to the north and south of Parcel A are owned by Carol & Frank Sidell. (See page A7.) Access to and from Parcel A would be from Little Street or Morningside Road. (See page A7.)

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. These lots are oversized compared to the neighborhood. (See page A3.) As demonstrated below, the proposed lots would still meet the minimum lot size requirements in the R-1 Zoning District.

Minimum Lot Requirements	Existing Parcel A	Existing Parcel B	Proposed Parcel A	Proposed Parcel B
Lot Area – 10,052 s.f.	17,920 s.f.	31,506 s.f.	29,420 s.f.	20,006 s.f.
Lot Width – 50 feet	133 feet	100 feet	133 feet	100 feet
Lot Depth – 180 feet	*134 feet**	286 feet	220 feet	200 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 4236 Lynn Avenue and Parcel A as submitted on the proposed lot division date stamped January 30, 2011.

Approval is subject to the following findings:

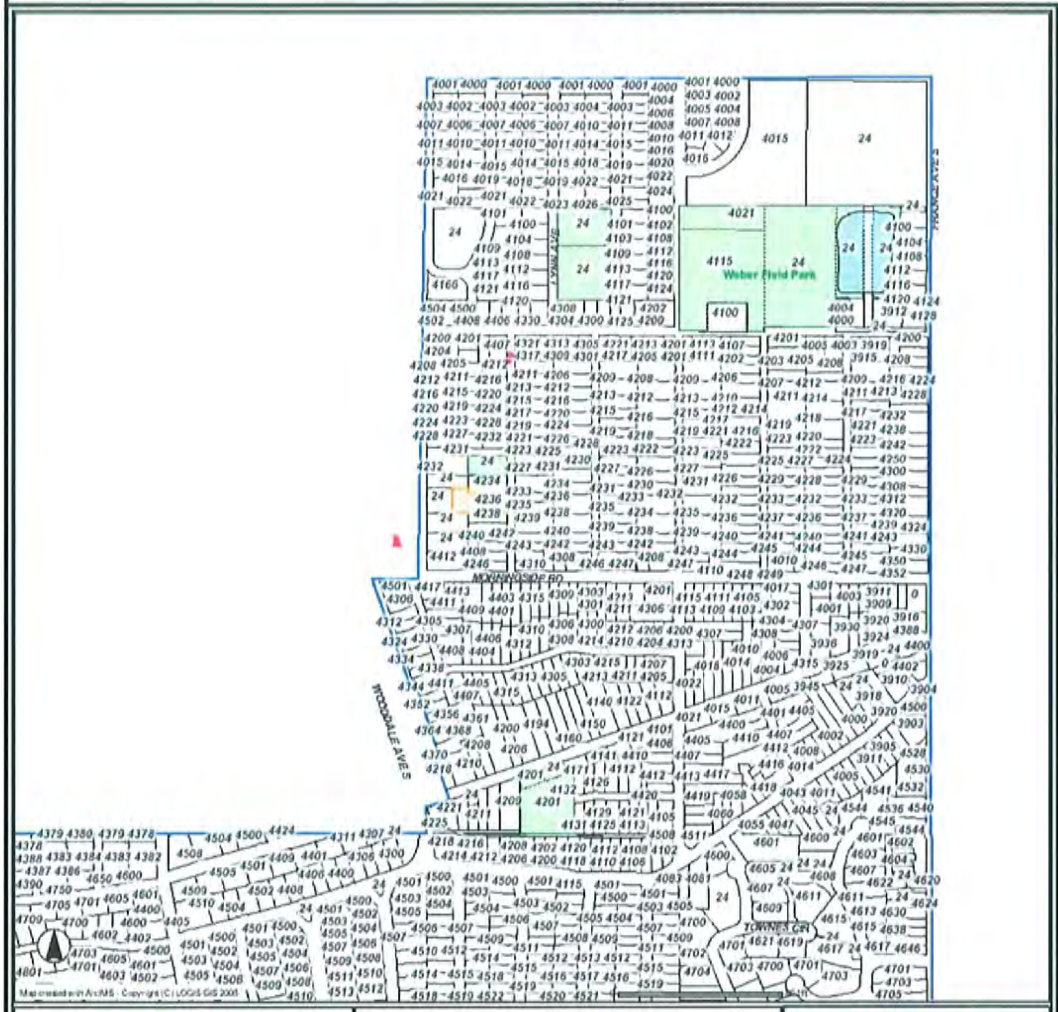
1. The existing and proposed lots meet all minimum lot size requirements.
2. The two lots involved in the lot division are larger than most lots within the neighborhood.

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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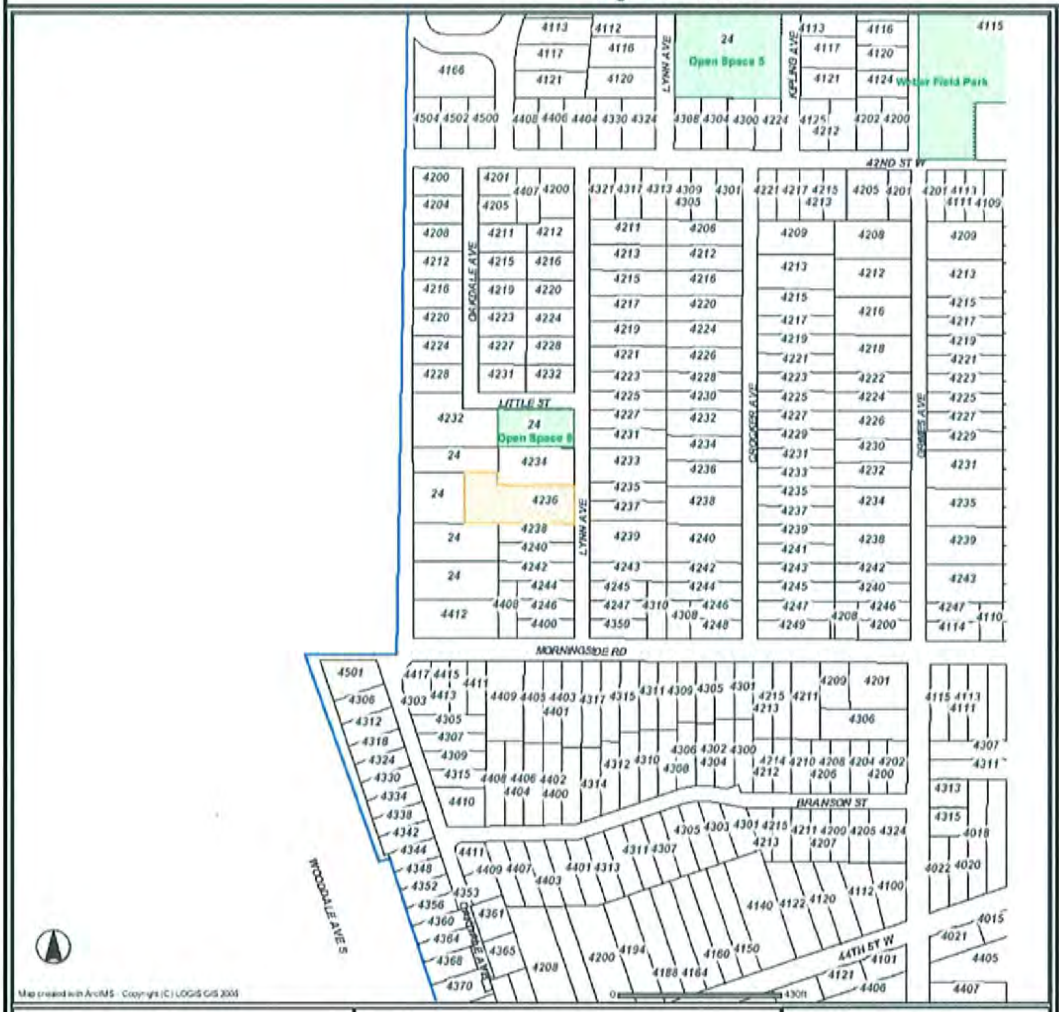
4236 Lynn Ave
Edina, MN 55416

City of Edina



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4236 Lynn Ave
Edina, MN 55416

City of Edina

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4236 Lynn Ave
Edina, MN 55416

City of Edina

Legend

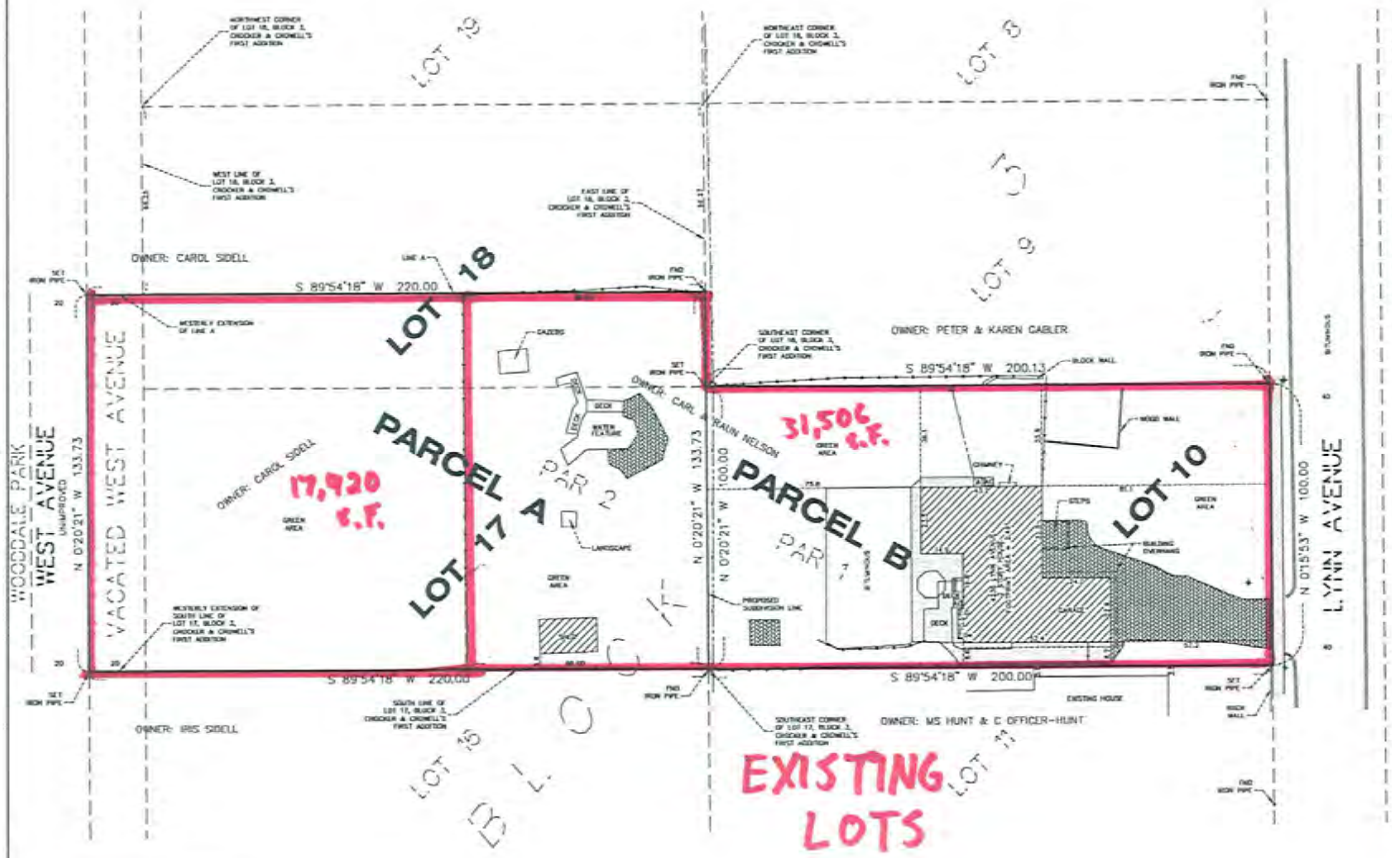
- House Number Labels
- Street Name Labels
- City Limits
- Creeks
- Lake Names
- Lakes
- Parks
- Parcels
- 2009 Aerial Photo

PID: 0702824420097

4236 Lynn Ave
Edina, MN 55416

CITY OF EDINA, MINNESOTA
INCORPORATED 1888

LOT SUBDIVISION



EXISTING LEGAL DESCRIPTION:

That part of the following described land:
Lot 17;
That part of Lot 18 lying South of a line drawn from a point on the East line of said Lot 18, distant 66.27 feet South from the Northeast corner thereof, to a point on the West line of said Lot 18, distant 66.25 feet South from the Northwest corner thereof, said line being hereinafter referred to as "Line A", all in Block 3, "Crocker & Crowell's First Addition".
All lying West of a line drawn from a point on the South line of said Lot 17, distant 88.0 feet West from the Southeast corner of said Lot 17, to a point on said "Line A", distant 88.0 feet West from the East line of said Lot 18. and

That part of the vacated West Ave. adjoining Block 3, "Crocker & Crowell's First Addition", lying between the extensions across it of the South line of said Lot 17, and the extension Westerly of said "Line A".

Torrens Property
Certificate No. 1132163
Hennepin County, Minnesota.

Par 1: Lot 10, Block 3, "Crocker & Crowell's First Addition"

Par 2: That part of the following described land:
Lot 17;
That part of Lot 18 lying South of a line drawn from a point on the East line of said Lot 18, distant 66.27 feet South from the Northeast corner thereof, to a point on the West line of said Lot 18, distant 66.25 feet South from the Northwest corner thereof, said line being hereinafter referred to as "Line A";
All lying East of a line drawn from a point on the South line of said Lot 17, distant 88.0 feet West from the Southeast corner of said Lot 17, to a point on said "Line A", distant 88.0 feet West from the East line of said Lot 18,
All in Block 3, "Crocker & Crowell's First Addition".

Torrens Property
Certificate No. 1063057
Hennepin County, Minnesota.

PROPOSED SUBDIVISION LEGAL DESCRIPTIONS:

PARCEL A:

Lot 17, Block 3, Crocker & Crowell's First Addition, Hennepin County, Minnesota.

That part of Lot 18 lying South of a line drawn from a point on the East line of said Lot 18, distant 66.27 feet South from the Northeast corner thereof, to a point on the West line of said Lot 18, distant 66.25 feet South from the Northwest corner thereof; said line being hereinafter referred to as "Line A"; all in Block 3, Crocker & Crowell's First Addition, Hennepin County, Minnesota.

That part of the vacated West Avenue adjoining Block 3, Crocker & Crowell's First Addition, lying between the westerly extension across it of the South line of said Lot 17, and the westerly extension of said "Line A".

PARCEL B:

Lot 10, Block 3, Crocker & Crowell's First Addition, Hennepin County, Minnesota.

SUBDIVISION SUMMARY:

The total number of parcels is equal to 2, The total area is 49,426 square feet = 1.135 acres.

PROPOSED AREAS:

Site area Parcel A (Lot 17 and part Lot 18). = 29,420 square feet = 0.675 acres.

Site area Parcel B (Lot 10). equals 20,006 square feet = 0.459 acres.

GENERAL NOTES:

1. The bearing system used is assumed.
2. The location of the underground utilities shown hereon, if any, are approximate only. PURSUANT TO MSA 216D CONTACT GOPHER STATE INC CALL AT (612) 454-0002 PRIOR TO ANY EXCAVATION.
3. Subject property is identified as being in "Zone X, Other Areas" on Flood Insurance Rate Map No. 27053C0361E, effective date September 2, 2004.
4. Total Site area = 49,426 square feet = 1.135 acres.
5. This survey was made on the ground.
6. No current title work was furnished for the preparation of this survey, legal description, recorded or unrecorded easements and encumbrances are subject to revision upon receipt of current title work.

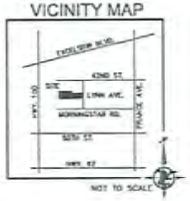
SITE ADDRESS	4236 Lynn Avenue Edina, Minnesota 55416
OWNER	Raun Nelson
CONTACT	Raun Nelson (952) 830-9371 4236 Lynn Avenue Edina, Minnesota 55416
SURVEYOR	Harry S. Johnson Co., Inc.
CONTACT	Tom Hodorff (952) 884-5341 9063 Lyndale Avenue South. Bloomington, Minnesota 55420

PLANNING DEPARTMENT
JAN 30 2012
CITY OF EDINA

LEGEND

Property Monument
Concrete
Concrete Curb
Fence
Overhead Electric
Overhead Telephone & Electric
Water
Gas
Sanitary Sewer
Storm Sewer
Electric Meter
Flower Pole
Hydrant
Gate Valve
Catchbasin
Air Conditioning Unit
Light Pole
Gas Meter
Sanitary Manhole
Storm Manhole

VICINITY MAP



NOT TO SCALE

N

SCALE: 1 INCH = 20 FEET

REVISIONS

Date:

I hereby certify that this survey, plan or report 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

Thomas C. Hodorff, L.S.
Minnesota Reg. No. 23677

Date: January 19, 2012

LOT SUBDIVISION SURVEY

For:

RAUN NELSON

SITE:

4236 LYNN AVENUE &

ADJOINING W'ly PARCEL
EDINA, MINNESOTA

HENNEPIN COUNTY

HARRY S. JOHNSON CO., INC.
LAND SURVEYORS
9063 Lyndale Avenue South
Bloomington, MN. 55437
Tele. 952-884-5341 Fax 952-884-5344
www.hsjsurveyors.com

Scale 1" = 20'	File No. 1-3-8244
Page 626	W.O. Number 2012106
Date Submitted 1/18	
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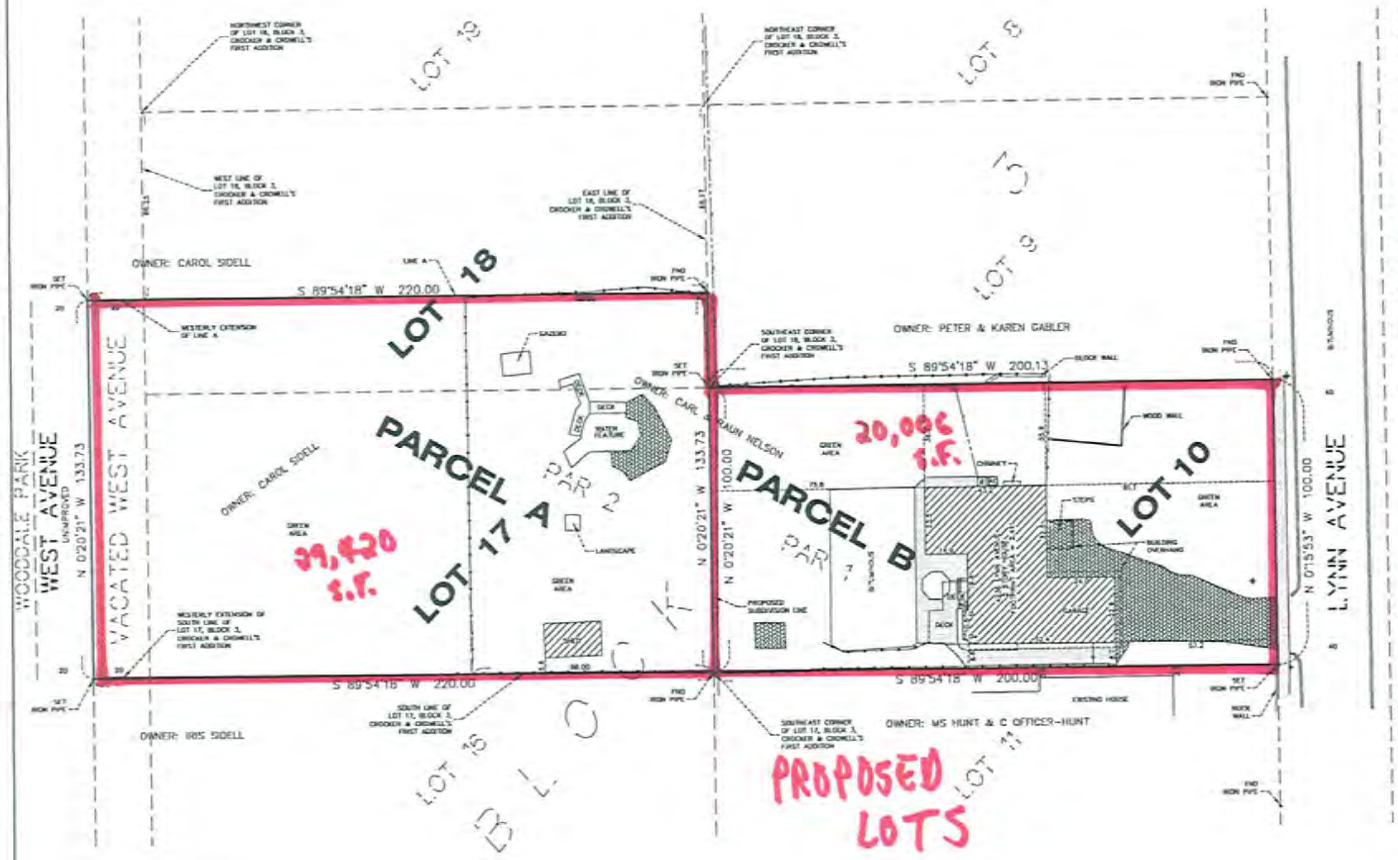
Sheet No. 1 OF 1	

5A

LOT SUBDIVISION



EXISTING LEGAL DESCRIPTION:

That part of the following described land:
Lot 17;
That part of Lot 18 lying South of a line drawn from a point on the East line of said Lot 18, distant 66.27 feet South from the Northeast corner thereof, to a point on the West line of said Lot 18, distant 66.25 feet South from the Northwest corner thereof; said line being hereinafter referred to as "Line A", all in Block 3, "Crocker & Crowell's First Addition".
All lying West of a line drawn from a point on the South line of said Lot 17, distant 88.0 feet West from the Southeast corner of said Lot 17, to a point on said "Line A", distant 88.0 feet West from the East line of said Lot 18; and

That part of the vacated West Ave. adjoining Block 3, "Crocker & Crowell's First Addition", lying between the extensions across it of the South line of said Lot 17, and the extension Westerly of said "Line A".

Torrens Property
Certificate No. 1132163
Hennepin County, Minnesota.

For 1: Lot 10, Block 3, "Crocker & Crowell's First Addition"

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PROPOSED SUBDIVISION LEGAL DESCRIPTIONS:

PARCEL A:

Lot 17, Block 3, Crocker & Crowell's First Addition, Hennepin County, Minnesota.

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That part of the vacated West Avenue adjoining Block 3, Crocker & Crowell's First Addition, lying between the westerly extension across it of the South line of said Lot 17, and the westerly extension of said "Line A".

PARCEL B:

Lot 10, Block 3, Crocker & Crowell's First Addition, Hennepin County, Minnesota.

SUBDIVISION SUMMARY:

The total number of parcels is equal to 2. The total area is 49,426 square feet = 1.135 acres.

PROPOSED AREAS:

Site area Parcel A (Lot 17 and part Lot 18), = 39,420 square feet = 0.875 acres.

Site area Parcel B (Lot 10), equals 20,006 square feet = 0.459 acres.

GENERAL NOTES:

1. The bearing system used is assumed.
2. The location of the underground utilities shown hereon, if any, are approximate only. PURSUANT TO MSA 216D CONTACT GOPHER STATE ONE CALL AT (952) 454-0002 PRIOR TO ANY EXCAVATION.
3. Subject property is identified on being in "Zone X, Other Areas" on Flood Insurance Rate Map No. 27053C0363E, effective date September 2, 2004.
4. Total Site area = 49,426 square feet = 1.135 acres.
5. This survey was made on the ground.
6. No current title work was furnished for the preparation of this survey, legal description, recorded or unrecorded easements and encumbrances are subject to revision upon receipt of current title work.

SCALE: 1 INCH = 20 FEET

REVISIONS

Date:

I hereby certify that this survey, plan or report 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

Thomas E. Hoderff, L.S.
Minnesota Reg. No. 23677

Date: January 19, 2012

LOT SUBDIVISION SURVEY

For:

RAUN NELSON

SITE:
4236 LYNN AVENUE &

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EDINA, MINNESOTA

HENNEPIN COUNTY

SITE ADDRESS 4236 Lynn Avenue Edina, Minnesota 55416	
OWNER Raun Nelson **CONTACT** Raun Nelson (952) 830-9371 4236 Lynn Avenue Edina, Minnesota 55416	
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PLANNING DEPARTMENT
JAN 30 2012
CITY OF EDINA

LEGEND

Property Monument
Concrete
Concrete Curb
Fence
Overhead Electric
Overhead Telephone & Electric
Water
Gas
Sanitary Sewer
Storm Sewer
Electric Meter
Power Pole
Hydrant
Gate Valve
Catchbasin
Air Conditioning Unit
Light Pole
Gas Meter
Sanitary Manhole
Storm Manhole

VICINITY MAP

NOT TO SCALE

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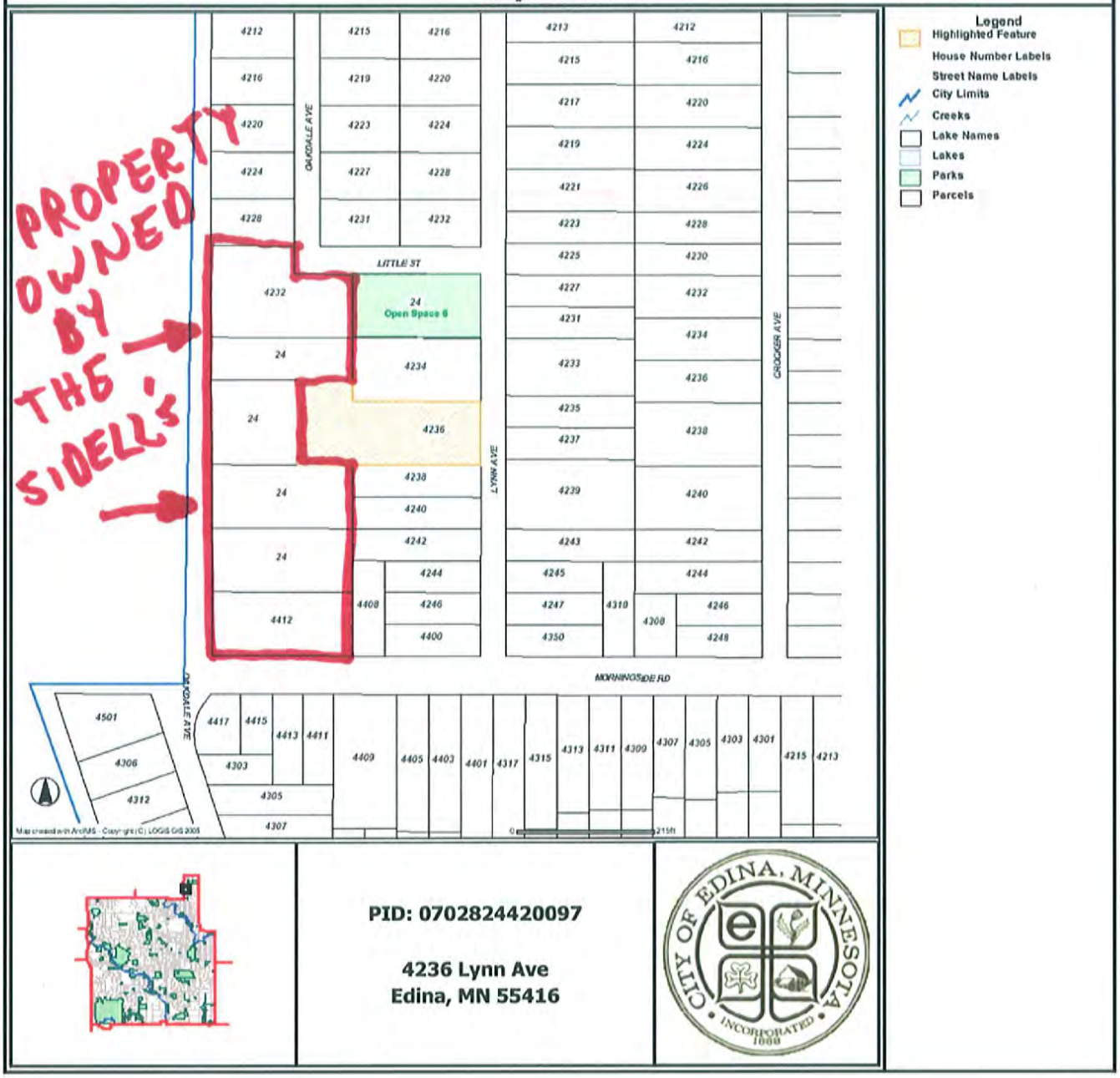
City of Edina



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