

**MINUTES OF THE REGULAR MEETING
OF THE EDINA PLANNING COMMISSION
WEDNESDAY, MAY 29, 2002, 7:30 P.M.
EDINA CITY HALL COUNCIL CHAMBERS
4801 WEST 50TH STREET**

MEMBERS PRESENT:

**Chairman Johnson, Lonsbury, Byron, Swenson, McClelland, Runyan,
Workinger and Brown**

MEMBER ABSENT:

Bergman

STAFF PRESENT:

Kris Aaker and Jackie Hoogenakker

I. APPROVAL OF THE MINUTES:

The minutes of the May 2, 2002, meeting were filed with corrections.

II. NEW BUSINESS:

**LD-02-5 Dean Carlson/Homes by Michelle
7204 Shannon Drive
5905 Lee Valley Road**

Ms. Aaker informed the Commission the proponent is proposing a simple lot division to adjust common lot lines for lots at 7204 Shannon Drive and 5905 Lee Valley Road.

Ms. Aaker explained the proposal adjusts lot lines transferring some of the Shannon Drive lot to the lot fronting on Lee Valley Road. This adjustment will allow more flexibility when siting homes. The sizes of the lots after the division are 60,170 square feet and 79,140 square feet. The resulting lots are well above the neighborhood average of 21, 815 square feet.

Ms. Aaker concluded staff recommends approval of the lot division.

The proponent Mr. Dean Carlson was present to respond to questions.

Chairman Johnson asked Ms. Aaker if this could be considered old business. Ms. Aaker responded Mr. Carlson previously requested a 5-lot subdivision of this property and is now requesting a lot division. Presently, two lots exist and two lots continue to exist after the lot line rearrangement. It is new business.

Mr. Carlson addressed the Commission and explained he went before the City Council on April 16, 2002 with a 5-lot subdivision. He said at that time the Council directed him to come back before the Commission with a reduced plat. Continuing, Mr. Carlson said since that meeting he was approached by a developer/builder who had an interested buyer for one lot. Consequently, another buyer indicated interest in the other lot. Mr. Carlson stated at this time the two buyers are working with their attorney's on purchase agreements.

Mr. Carlson explained to the Commission the buyer of parcel A has indicated the desire to own road access to their lot off Lee Valley Road, not Shannon Drive, as access now exists. Access to both lots off Lee Valley Road affords better building pads and reduces the need for retaining walls, cut, fill, etc. Mr. Carlson pointed out the grade of the proposed driveway for the two lots from Lee Valley Road is less steep and protects much of the terrain and vegetation.

Commissioner Brown asked why the 30' strip of land off Lee Valley Road is platted with Parcel A. Mr. Carlson reiterated the prospective owner of parcel A wants to own his own driveway. Mr. Carlson said cross-easements would be recorded between the two properties because both will use the same driveway. The owner of Parcel A does not want to rely on cross-easements to access his home he wants to own his driveway for peace of mind and to prevent potential future problems. Concluding, Mr. Carlson pointed out in his opinion because of the terrain of both lots both lots are better served with access from Lee Valley Road.

Commissioner McClelland said in her opinion this is a neck lot and a backdoor way of subdividing in the future. Commissioner McClelland stated she couldn't support the request as drawn. She said she does not think the way the lots are configured make any sense.

Mr. Carlson explained the lines were drawn to better accommodate the topography and the existing ridgeline. He said in his opinion the lots are now more desirable, and less damage to the environment will be done when the new homes are constructed.

Commissioner Byron said as he views the proposed lot line rearrangement there is no neck lot. Both lots have more than adequate frontage on improved streets, Shannon Drive and Lee Valley Road. He pointed out the reason for the 30 foot strip of land extending to Lee Valley Road makes sense for the owner of Parcel A.

Commissioner Lonsbury agreed with Commissioner Byron's comments adding he also thinks the rearrangement of the lot lines make sense. He pointed out the lots are substantial in size, will be expensive and the homes on these lots will be large. He added in his opinion it is not unrealistic to believe the owners of these two lots will want rear walk out homes and the way the lot lines are rearranged with the additional footage for Parcel A to Lee Valley Road create lots that can be developed to accommodate the size and style of houses that will be build.

Commissioner McClelland commented the City has been very consistent in not creating neck lots. It is against our policy. Commissioner McClelland said in her opinion this opens up the door for future subdivision.

Commissioner Lonsbury interjected and said if the concern were future subdivision the proposed rearrangement would make it more difficult in his opinion. He said if the strip of land extending from Parcel A to Lee Valley Road were given to Parcel B the owners of Parcel B could request a subdivision. If Parcel A retains that strip as part of their property any future subdivision would have to be approved by two property owners not just one.

Commissioner Byron stated he agrees with Commissioner Lonsbury's observation. He pointed out if members of the Commission are worrying about possible subdivision proposals in the future no one can ever say that will never happen. He pointed out these are large lots. Commissioner Byron noted there was a subdivision request before the Commission just last month regarding these two lots, and a request may come before us again in the future. Commissioner Byron said what the Commission needs to address is what is before us this evening and that is a lot division.

Commissioner Workinger asked if it is possible that a cross easement is recorded between the two property owners and Parcel B retains that strip. He pointed out many properties are served by private drives. Commissioner Workinger asked Ms. Aaker if she knows how many properties are served by private drives in the City.

Ms. Aaker said a number of properties are served by private drives. She said it is her understanding from the proponent that the property owner of parcel A desires the proposed configuration. It is also possible for the owner of Parcel B to retain that strip, but Ms. Aaker reiterated the future owner of Parcel A desires ownership of that strip.

Commissioner Workinger said he does not like the proposed configuration. He said he also has a problem with two houses on one lot. He pointed out if approved as requested there will be two houses on one lot.

Mr. Carlson interjected that one or both houses will be removed.

Commissioner Byron said if he understands the ordinance correctly the ordinance only allows one home on one lot. He said he has no worry that won't be the case.

Commissioner Workinger asked Ms. Aaker if that could be a problem. Ms. Aaker explained the City could require a bond to cover removal of one or both houses, and it should not be a problem. Ordinance states one residential home per lot.

Commissioner Byron moved to recommend lot division approval. Commissioner Lonsbury seconded the motion. Chairman Johnson asked Commissioner Byron if he desires any additional conditions such as if easements are recorded they be handed to the City. Commissioner Byron said that would be accomplished when/if an easement is filed at the County. Commissioner Swenson asked if Commissioner Byron would consider the suggestion that only one house can be on one lot. Commissioner Byron said ordinance already dictates that.

Ayes; Lonsbury, Byron, Runyan, Johnson. Nays; Swenson, McClelland, Workinger, Brown. Motion failed 4-4 vote.

Commissioner Lonsbury said for the sake of not having to hear this again he would like to explain his position more clearly in the hopes some Commissioner's may understand better where he is coming from.

Commissioner Lonsbury said in his opinion the lots in question will be expensive and any owner would realistically desire a rear walk out home. Commissioner Lonsbury pointed out the majority of homeowners desire walkouts, and in his opinion the proposed rearrangement of the lot lines creates better lots, better building sites, and rear walk out homes. He also reiterated he does not believe it is unreasonable for the property owner (Parcel A) purchasing a 400 thousand +dollar lot to want to own access to it and the access off Lee Valley Road serves both lots better. Commission Lonsbury pointed out a Lee Valley Road access reduces impact for both lots. Continuing, Commissioner Lonsbury shared with the Commission at present he owns a summer home on Lake Minnetonka and access to his home is through another persons property via a cross easement. He said it is very unnerving to own property and have a nagging concern that if the person who owns the access to your property becomes upset with you that your access rights could be compromised.

Commissioner Lonsbury moved to recommend lot division approval noting the topography of the site is better suited to this rearrangement and joint ownership of the driveway actually discourages future subdivision. Commissioner Runyan seconded the motion.

Ayes; Lonsbury, Bryon, Swenson, Runyan, Workinger, Johnson. Nays, McClelland and Brown. Motion carried 6-2.

Commissioner Swenson said in light of the comments by Commissioner Lonsbury she was comfortable with changing her vote.

III. ADJOURNMENT:

Commissioner Lonsbury moved adjournment at 8:45 p.m. Commissioner Byron seconded the motion. All voted aye, motion carried.

Jackie Hoogenakker