

Mayor Jim Hovland and Members of the City Council  
From Pat Kreuziger, 6705 Cheyenne Trail  
Re: Proposed Subdivision of 6609 Blackfoot Pass  
Date: September 25, 2013

As one whose property abuts this Blackfoot Pass property on the south, I have many concerns and unanswered questions.

Four of us neighbors met with Scott Busyn on August 8<sup>th</sup> at his invitation. The copy of his proposed plat to the City of Edina stated his proposed lot sizes as Lot 1 at 1.32 acres and Lot 2 at .46 acre. He promptly informed us that his surveyor makes a lot of mistakes and those numbers were wrong. They instead should have been 1.07 and .71 respectively. I do not know where those property lines would be and it makes very nervous to have someone building next to me who makes these kinds of mistakes.

I totally agree with the members of the Planning Commission who feel that the 500 foot radius rule isn't fair or correct when you mix neighborhoods that are vastly different.

**Safety** is an issue on Blackfoot Pass. I have an accident report from 2009 when a car coming southwest on the Pass hit the mailbox at 6700 Cheyenne Trail and a tree on my front lawn across the street. The car was impacted to the point that it could not be driven. It was fortunate that it did not hit a child or other pedestrian. If two driveways are put at 6609 and close to the intersection of Cheyenne Trail it will make an already blind intersection even more dangerous.

If this sub-division were to be granted the character of the neighborhood would **DRASTICALLY** change.

1. Trees that are decades old would be removed.
2. Drainage and water issues would be a significant problem.
3. Noise would become an issue with two homes on the lot, more people, more hard surfaces and fewer trees as a sound buffer.
4. 16 foot retaining walls made from interlocking prefabricated blocks are certainly not characteristic of our beautiful neighborhood.

I could go on and on, but I know you are receiving many letters so I will let others expound on the character.

It greatly concerns me that if a sub-division were granted in Indian Hills it would destroy our historic and unique neighborhood forever. In my opinion, it would be extremely short-sighted to think that a decision to grant sub-division stands alone rather than setting a PRECEDENT. It is my hope that you elected members of the City Council will give this whole matter your deepest concern and act as the Planning Commission did in rejecting this subdivision.

My sincere thanks go to all of you on the Council and I deeply appreciate those of you who took time to come to view the properties in person.

Most respectfully,  
Pat Kreuziger

## Jackie Hoogenakker

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**From:** dusen001@umn.edu  
**Sent:** Wednesday, September 25, 2013 11:52 AM  
**To:** Jackie Hoogenakker  
**Subject:** proposed subdivision of 6609 Blackfoot Pass

Dear Ms Hoogenakker

I received notice of the upcoming City Council meeting to discuss the proposed subdivision of 6609 Blackfoot Pass in Edina. I own and reside in the adjacent property to the north at 6605 Blackfoot Pass and feel there are several compelling reasons to deny the request. The purpose of this letter is to express my concerns and opposition to the subdivision.

The topography of the lot at 6609 Blackfoot Pass is very steep. The current house sits atop the only logical location for a home, with the rest of the terrain at a very steep incline.

The proposed second home would not only require a series of tall retaining walls to hold back the hill, but would sacrifice a beautiful stand of mature oak trees. Moreover, the new homesite is proposed to be located extremely close to the home on Cheyenne Trail, leaving only about 30 feet between the homes.

The homeowner on Cheyenne Trail already suffers from drainage issues whenever there is a heavy rain. The addition of a home closer to her house will only exacerbate those issues. I was at the city planning meeting and the builders only plan to address this concern was to contour the area so as to "push" the rain water towards Blackfoot Pass. As we do not have sidewalks and sewer drains, I worry that this plan is very short sighted. Retaining ponds seem to me to be a better idea.

Although the subdivision would result in 2 sizeable lots (1 acre and 0.7 acres respectively), the other homes on Blackfoot Pass are larger and average 0.93 acres (1.02, 2.11 and 0.68 acres). I am aware that city ordinance suggests allowing a minimum lot size of the average for homes in a 500 foot radius of the proposed subdivision. In this situation the 500 foot radius ends up including lots in newer, non-contiguous neighborhoods. Those homes were not part of the original Indian Hills and have a separate identity. If the purpose of this ordinance is to preserve the integrity of neighborhoods, it doesn't make sense to me to use those lots outside of our neighborhood to calculate the minimum lot size.

In summary, I strongly oppose the subdivision of the lot at 6609 Blackfoot Pass. I plan to attend the upcoming City Council meeting. Thank you for your consideration.

Kathryn E Dusenbery MD

Levitt Chair in Radiation Oncology  
Head and Associate Professor  
University of MN  
Minneapolis, MN 55455  
academic office 612-626-6146  
clinic 612-273-6700  
pager 612-899-7199

**From:** Tara Dev <taradev@gmail.com>  
**Sent:** Tuesday, September 24, 2013 4:01 PM  
**To:** Edina Mail; jonibennett12@comcast.net; Mary Brindle (Comcast); joshsprague@edinarealty.com; swensonann1@gmail.com; Cary Teague; Kris Aaker  
**Subject:** INDIAN HILLS NEIGHBORHOOD SUBDIVISION

6609 Blackfoot Pass, Edina, MN 55439

Dear Mr. Mayor and council members & Mr. Teague

I am writing to support the OPPOSITION of the proposed subdivision of 6609 Blackfoot Pass, Indian Hills, EDINA. I had the opportunity to voice my views at the city planning meeting but wanted to reiterate my position once again.

I currently reside at 6804 Cheyenne Trail, just down the road from the proposed subdivision but more importantly, right next door to Mr. Scott Busyn (builder of Great Neighborhood homes) most recent project in our neighborhood at 6808 Cheyenne Trail (entrance on Cheyenne Circle).

When Mr. Busen approached me to support the variance he requested for the home belonging to Mr Joel Anderson at 6808, We did so in good faith. This lot had been vacant for many years (almost since we purchased our house 7 years ago). It was a beautiful wooded lot and we welcomed a new home fitting of the lot. Though Mr. Busyn has in fact built a lovely home but one that I strongly feel is becoming a trademark of certain builders in Edina, to fill up as much of the lot as possible and build as close to the property line as possible as well. In doing so destroy the innate beauty of Edina's old established neighborhoods, which can only grow with time. We live in an older part of the city with beautiful trees that grace our neighborhoods, winding roadways, privacy and in fact created by previous builders who respected the neighborhood. Homes are staggered next to each other, some higher, some lower, some forward and some setback.

In the preceding year since the house has been completed, we have been greatly disappointed for several reasons which I will list below:

During construction part of our fence was removed that surrounded our pool. In the Spring, when we had to replace the fence at our own expense and we had the pins identified on our property. We realized that in fact the owner had no right removing our existing fence and the the builder had failed to identity the pins for the owners and us the neighbors, thus creating undue tension between us.

In the process of construction, many old trees were taken down and our lot (as are several of the prime lots in Indian hills) has lost all of it's privacy and beauty between the homes. It's not that the lot that Mr. Busen chose to build on was not big enough, in fact he has built a large home with much yard in front but has sandwiched the house in the back next to ours. We now have direct views to not one but two homes (Cheyenne Circle) as well - into driveways and homes.

The loss of aged trees cannot be replaced and though we have now fenced and replanted at our own expense and a heavy expense I might add as well as having to raise up our property due to the large dip between our two properties that would cause a huge run off during the rains and snow melt. It is deeply saddeing to see Mr. Busyn attempt to ravage another piece of land.

We have lived in 3 different part of Edina. Each neighborhood has it's own unique character and I see this as a larger problem that does not only affect our neighborhood but many of those in the city.

Edina, is a wonderful city, which provides many diverse housing opportunities, for those wishing to buy homes. Edina is known for its old established neighborhoods that have stood the test of time. How terrible is it to destroy the beauty as well as created hazards by proposing huge retaining walls on a virtually unbuildable lot. Blind corner drives which ice over and are sure to cause pause to school buses, young drivers, and children walking around that corner.

I would ask you to truly consider preserving a beautiful plot and give weight to those to are opposed to this subdivision. It is also perhaps time to revisit some of the building codes that do NOT in fact seem to be protecting our neighborhoods.

Sincerely

Tara Dev

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*Tara*

email: [taradev@gmail.com](mailto:taradev@gmail.com)

cell: 612.227.7711

## Cary Teague

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**From:** Tara Dev <taradev@gmail.com>  
**Sent:** Tuesday, September 24, 2013 4:01 PM  
**To:** Edina Mail; jonibennett12@comcast.net; Mary Brindle (Comcast); joshsprague@edinarealty.com; swensonann1@gmail.com; Cary Teague; Kris Aaker  
**Subject:** INDIAN HILLS NEIGHBORHOOD SUBDIVISION

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I would ask you to truly consider preserving a beautiful plot and give weight to those to are opposed to this subdivision. It is also perhaps time to revisit some of the building codes that do NOT in fact seem to be protecting our neighborhoods.

Sincerely

Tara Dev

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*Tara*

**email: [taradev@gmail.com](mailto:taradev@gmail.com)**

**cell: 612.227.7711**

TO: Planning Commission Members and City Council Members  
FROM: Bert and Charles Ledder, 6709 Cheyenne Trail, Edina, MN 55439  
Date: September 6, 2013  
RE: Proposed Subdivision and Variance of 6609 Blackfoot Pass

We are writing in **opposition** to the proposed subdivision and set back variance of the property at 6609 Blackfoot Pass.

Our primary objection is to the variance requested to alter the front setback to 45 feet from the street. The adjacent property to the south 6705 Cheyenne Trail has a setback of 100.9 feet, moving the proposed building site 55.9 feet closer to the street, and the adjacent property to the north 6605 Blackfoot Pass has a setback of 62 feet, moving the building 17 feet closer to the street. Great Neighborhood Homes' use of setback averages of homes on the island block on the opposite side of the street is not relevant to the sight lines of the street.

As this is a corner lot, specific codes apply, and should not be dismissed simply because these are wooded lots. A building of this size, this close to the street will have an obvious impact as well as safety concerns for traffic on this blind corner.

The placement of a building on the proposed sites also will displace and greatly alter water drainage onto the lot to the south, 6705 Cheyenne Trail. The terminal moraine terrain of these lots together creates a bowl, with water pooling from the drainage off the hills surrounding the properties into the proposed building site. This was very obvious during heavy rains in the past month as well as the storm of July 23, 1987 when water flooded and pooled in this area. This drainage issue does not comply with **Section 1. Subsection 850.07. Subd. 7** of the Edina City Zoning Ordinances.

The developer's numbers do not reflect the accurate square footage of the properties located on the non-meandering body of water known as Indianhead Lake. The square footage as stated by the developer does not include the fully taxable land/water area. If the water receded homeowners on that land could use this part of their property for their desired usage. Obviously, no one will build a home in the middle of the lake to diminish their site. This is also true for properties located at 6709 Cheyenne Trail and 6713 Cheyenne Trail. These lots, while they appear smaller in square footage, have back yards that abut the St. Alban's Church property which requires by Code a 3 acre lot size. Thus, their properties appear larger in keeping with the large lot appearance of the neighborhood.

There is no hardship that requires building on this site. It is not a homeowner requesting a variance to expand their home or to use it in a different fashion. This is an unbuildable section of a property that is being purchased by a developer for the purpose of building a speculation home. If the subdivision and variance request is allowed, the developer moves on, leaving the residents of the neighborhood with a permanent undesirable change. Indian Hills is a neighborhood of large wooded lots that will have constant pressure for subdivision. Each subdivision diminishes the character of the neighborhood, shrinks the average lot size, and

makes it easier for the next to pass. Now is the time to halt that process and leave the beauty of the neighborhood intact for its residents. Subdivision of this lot would change the character of the Indian Hills neighborhood forever.

PLANNING DEPARTMENT  
SEP 09 2013  
CITY OF EDINA

## Jackie Hoogenakker

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**From:** Susan Brunn <sbrunn@me.com>  
**Sent:** Sunday, September 08, 2013 8:38 PM  
**To:** Jackie Hoogenakker  
**Subject:** Proposed Subdivision of 6609 Blackfoot Pass

Dear Planning Commission Members:

I am writing to you regarding the proposed subdivision of the lot located at 6609 Blackfoot Pass.

As a 20 year resident of the Indian Hills neighborhood, and specifically, of a property at 6601 Blackfoot Pass, I am against this subdivision for the following reasons:

1. I believe that it sets a dangerous precedent regarding the "downsizing" of the beautiful, large lots in Indian Hills. One of the things that drew me to the neighborhood was the beautiful, generous, wooded lots in the area. To begin chopping these up into smaller lots would change the character of this well established and sought after neighborhood.
2. Large properties in Edina are becoming rare. When the news is constantly full of complaints from neighbors regarding large houses being built on small lots throughout Edina, it seems that this large lot would be appealing to a potential homeowner or developer as it is. There are fewer large lots available, and yet the demand for large houses continues. It seems that it would behoove the City of Edina to maintain these large parcels as they are.
3. Great Neighborhood Homes, the pending buyer of the property, recently completed another home in my neighborhood, on Cheyenne Trail. The new house that they built completely

dwarfs the surrounding homes, in spite of the seemingly generous lot size. I am extremely concerned that the two houses that are being proposed will not be in proportion to the new lot sizes, and will stick out like sore thumbs, instead of blending in and looking like part of an established neighborhood.

I plan on attending the City Council meeting this Wednesday, September 11th, to voice my concerns.

Thank you for your consideration.

Sincerely,

Susan Harker Brunn  
6601 Blackfoot Pass  
Edina MN 55439

## Jackie Hoogenakker

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**From:** Kris Aaker  
**Sent:** Monday, September 09, 2013 8:16 AM  
**To:** Jackie Hoogenakker; Cary Teague  
**Subject:** FW: Subdivision of lot 6609 Blackfoot Pass



**Kris Aaker, Assistant City Planner**

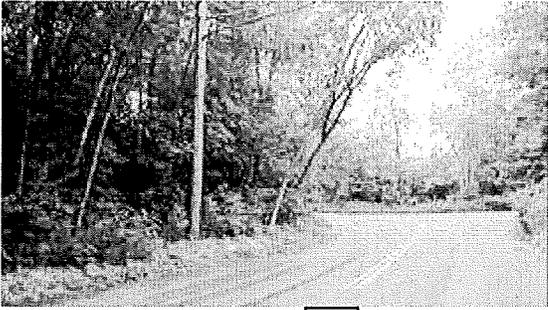
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...For Living, Learning, Raising Families & Doing Business

**From:** [dmswan2124@aol.com](mailto:dmswan2124@aol.com) [<mailto:dmswan2124@aol.com>]  
**Sent:** Friday, September 06, 2013 5:12 PM  
**To:** [dmswan2124@aol.com](mailto:dmswan2124@aol.com)  
**Subject:** Subdivision of lot 6609 Blackfoot Pass

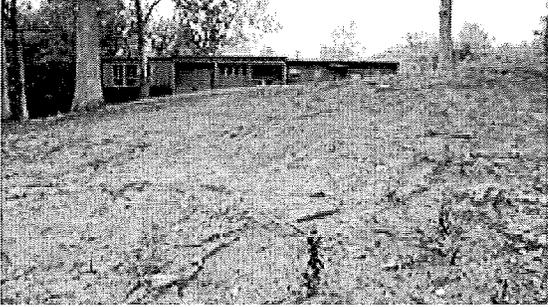
My husband Dean and I live at 6617 Cheyenne Trail, two houses away from the proposed subdivision. We are totally and firmly against this subdivision for the following reasons.

1. We bought our home in 1984 after looking for the home that captured our heart and fit the pocketbook. We lived in Burnsville for 22 years and this was to be our last move.
2. We bought, not so much for the house, but for the fabulous, wooded, natural landscaping in the neighborhood. We are tree huggers and totally for a green environment and this was it. Could not believe how lucky we were.
3. Over the years houses have been torn down and rebuilt, but for the most part the new people have respected our natural, green lots.
4. To start a precedent of dividing the original plotted lots, will be the beginning of changing this neighborhood with the essence of woods, large lots, many old oak trees in to a neighborhood that resembles many others in Edina. Right now, we have a distinct look that may forever be gone.
5. We look at the beautiful lot at 6609 Blackfoot Pass and love the beautiful irreplaceable trees. If this lot is allowed to be divided, we will be looking at green fertilized grass, sprinkling systems running down the street, landscape boulders and perhaps some "new", perfect trees.

Here are some photos I took while on a walk through the neighborhood to show how some lots are being destroyed



This is what we love



We cry when we see all the trees cut down - on Indian Hills Rd



Years ago, this was a tree filled lot

Please, don't start a precedent by dividing the lots in Indian Hills.

Thank you for taking the time to hear our input,  
Mary and Dean Swanson

## Jackie Hoogenakker

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**From:** Kris Aaker  
**Sent:** Monday, September 09, 2013 8:16 AM  
**To:** Jackie Hoogenakker  
**Subject:** FW: proposed subdivision of 6609 Blackfoot Pass



**Kris Aaker, Assistant City Planner**  
952-826-0461 | Fax 952-826-0389  
[KAaker@EdinaMN.gov](mailto:KAaker@EdinaMN.gov) | [www.EdinaMN.gov/Planning](http://www.EdinaMN.gov/Planning)  
...For Living, Learning, Raising Families & Doing Business

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**From:** Lynn Laaksonen [<mailto:goldielax@comcast.net>]  
**Sent:** Friday, September 06, 2013 11:12 PM  
**To:** Kris Aaker  
**Subject:** FW: proposed subdivision of 6609 Blackfoot Pass

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**From:** Lynn Laaksonen [<mailto:goldielax@comcast.net>]  
**Sent:** Thursday, September 05, 2013 5:59 PM  
**To:** 'cteague@EdinaMN.gov'  
**Subject:** proposed subdivision of 6609 Blackfoot Pass

This letter is to state our opposition to the subdivision of 6609 Blackfoot Pass. We have been residents of Indian hills for over 36 years and we strongly oppose this subdivision. Indian Hills has always been the part of Edina where you could have a big lot – or 2 big lots – with a wild area surrounding your home and see the deer, fox, coyotes, raccoons and wild turkeys. You can picture what it was like before the highways and the shopping areas and you can enjoy the quiet. You can have a big house or a very big house and no one complains that you're too big because the lots are big enough to still give you privacy. We don't want to be the Country Club area. We don't want to be a "renamed neighborhood" of Indian Hills. This proposed subdivision is in the heart of the original Indian Hills and all of the homes that were added to the new neighborhood are adding data and averages that are making it look like we all have smaller lots with homes close to the street.

Several homeowners in the heart of Indian Hills actually have 2 lots so they have a bigger footprint. Over 30 years ago there was a proposed subdivision at 6520 Indian Hills Road. The threat was that if the lot wasn't subdivided, a HUGE house would be built. Well, the subdivision was strongly opposed in the neighborhood and it did NOT go through. A HUGE house was built – it has since been torn down and an even bigger house was built and no one complained because the lot was big enough to support it.

We don't want 6609 Blackfoot Pass subdivided. The proposed lots are out of scale and will not provide the 30' conservation easement. This will NOT be good for Indian Hills. This will NOT be good for Edina. You have the chance to avoid the problems that we are seeing in Country Club – don't bring them to Indian Hills.

Kay and Lynn Laaksonen  
6404 Indian Hills Road

## Jackie Hoogenakker

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**From:** Kris Aaker  
**Sent:** Monday, September 09, 2013 8:16 AM  
**To:** Cary Teague; Jackie Hoogenakker  
**Subject:** FW: Indian Hills Subdivision

Kris Aaker, Assistant City Planner  
952-826-0461 | Fax 952-826-0389

[KAaker@EdinaMN.gov](mailto:KAaker@EdinaMN.gov) | [www.EdinaMN.gov/Planning](http://www.EdinaMN.gov/Planning) ...For Living, Learning, Raising Families & Doing Business -----

Original Message-----

From: kelly a jungels [<mailto:Kjungels@comcast.net>]

Sent: Sunday, September 08, 2013 12:41 PM

To: Kris Aaker

Subject: Indian Hills Subdivision

Kris, I live at 6400 Indian Hills Road and I do not support the subdivision. I feel that to subdivide the lot is not in the best interest of the neighborhood. It may be a large lot but if the builder used the average means of lots that are actual lots in INDIAN

HILLS and not lots in Gleason Court, the lot may not seem that large.

To allow for a house to be built 45 ft from the street in Indian Hills changes the "feel" of the neighborhood. I have lived in Morningside

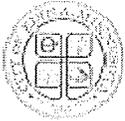
and Country Club neighborhoods. Each neighborhood has its own "feel"

please up hold Indian Hills "feel." We moved from Drexel Ave to Indian Hills because of the neighborhood. Please consider what subdividing the lot means to our neighborhood. Thank you Kelly Jungels

## Jackie Hoogenakker

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**From:** Kris Aaker  
**Sent:** Monday, September 09, 2013 8:17 AM  
**To:** Cary Teague; Jackie Hoogenakker  
**Subject:** FW: Proposed Subdivision of 6609 Blackfoot Pass



**Kris Aaker, Assistant City Planner**  
952-826-0461 | Fax 952-826-0389  
[KAaker@EdinaMN.gov](mailto:KAaker@EdinaMN.gov) | [www.EdinaMN.gov/Planning](http://www.EdinaMN.gov/Planning)  
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**From:** Susan Brunn [<mailto:sbrunn@me.com>]  
**Sent:** Sunday, September 08, 2013 8:35 PM  
**To:** Kris Aaker  
**Subject:** Proposed Subdivision of 6609 Blackfoot Pass

Dear Kris Aaker:

I am writing to you regarding the proposed subdivision of the lot located at 6609 Blackfoot Pass.

As a 20 year resident of the Indian Hills neighborhood, and specifically, of a property at 6601 Blackfoot Pass, I am against this subdivision for the following reasons:

1. I believe that it sets a dangerous precedent regarding the "downsizing" of the beautiful, large lots in Indian Hills. One of the things that drew me to the neighborhood was the beautiful, generous, wooded lots in the area. To begin chopping these up into smaller lots would change the character of this well established and sought after neighborhood.

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3. Great Neighborhood Homes, the pending buyer of the property, recently completed another home in my neighborhood, on Cheyenne Trail. The new house that they built completely dwarfs the surrounding homes, in spite of the seemingly generous lot size. I am extremely concerned that the two houses that are being proposed will not be in proportion to the new lot sizes, and will stick out like sore thumbs, instead of blending in and looking like part of an established neighborhood.

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Thank you for your consideration.

Sincerely,

Susan Harker Brunn  
6601 Blackfoot Pass  
Edina MN 55439



**Jackie Hoogenakker**

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**From:** kelly a jungels <kjungels@comcast.net>  
**Sent:** Tuesday, September 10, 2013 7:22 PM  
**To:** Jackie Hoogenakker  
**Subject:** Indian hills subdivision

I just wanted to let it be know that I do not support the subdividing of the 6609 Blackfoot Pass lot. I live at 6400 Indian Hills rd. I have lived in a few different neighborhoods in Edina. I started in Morningside neighborhood, had 2 homes in the Country Cneighborhoodlub neighborhood and now live in Indian Hills. I like it here. I moved out of Country Club neighborhood because I wanted more space, privacy and a different feel. Each neighborhood has its own feel. Subdividing 6900 lot will change the feel of our neighborhood. I know the lot itself is big but it is not being divided equally and one of the lots will have the home 45 Ft from the street. That is not in line with the Indian Hills neighborhood. Drive through our neighborhood and you will understand what I mean. Please Please consider the neighborhood and not just the builder. Thank you Kelly Jungels

## Cary Teague

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**From:** Lynn Laaksonen <goldielax@comcast.net>  
**Sent:** Thursday, September 05, 2013 5:59 PM  
**To:** Cary Teague  
**Subject:** proposed subdivision of 6609 Blackfoot Pass

This letter is to state our opposition to the subdivision of 6609 Blackfoot Pass. We have been residents of Indian hills for over 36 years and we strongly oppose this subdivision. Indian Hills has always been the part of Edina where you could have a big lot – or 2 big lots – with a wild area surrounding your home and see the deer, fox, coyotes, raccoons and wild turkeys. You can picture what it was like before the highways and the shopping areas and you can enjoy the quiet. You can have a big house or a very big house and no one complains that you're too big because the lots are big enough to still give you privacy. We don't want to be the Country Club area. We don't want to be a "renamed neighborhood" of Indian Hills. This proposed subdivision is in the heart of the original Indian Hills and all of the homes that were added to the new neighborhood are adding data and averages that are making it look like we all have smaller lots with homes close to the street.

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**To:** Edina Mail; jonibennett12@comcast.net; Mary Brindle (Comcast); joshsprague@edinarealty.com; swensonann1@gmail.com; Cary Teague  
**Subject:** oppose subdivision of 6609 Blackfoot Pass

As 36 year residents of 6404 Indian Hills Road my husband and I oppose the subdivision of 6609 Blackfoot Pass.

We moved from Minneapolis to give our children the opportunity to grow up in an area of trees and hills, large yards, and a feeling of being in the country while keeping us near our jobs and the advantages of city life. We found that opportunity in Indian Hills. We have neighbors but there are enough trees and wild area between the houses that we can't see the houses behind us or on either side. Our sons could have a fort in the woods and not leave our yard. We have a swimming pool and most of our neighbors don't even know that it's there. Our yard is frequented by deer (including a 10 point buck), turkeys (up to 23 at one time), birds, ducks, coyotes, fox and even 2 opossum. Our yard was established in 1952/1953 so the white oak, red oak, maple, white pine and other evergreens are large, mature trees that we have an arborist monitor and prune on a yearly basis. We do this to maintain both the value of our property and the value of our property to the neighborhood.

Indian Hills is distinct in that we do have large lots. Some of the neighbors have purchased an adjoining lot to make their property even bigger. We have traditionally opposed subdivision to keep builders from starting the trend of smaller homes or large homes on smaller lots. We see the problems that are causing so much stress in Country Club and we don't want Indian Hills to have to deal with all of those issues. Our neighborhood is made up of large wooded lots with a generous wild area on both sides and to the back of the lot. We don't have homes directly on the street and we don't have fences or retaining walls merely to separate the lots.

As those of us who live on a hill know, drainage issues and erosion are very real concerns. The property at 6609 Blackfoot Pass is a very steep hill with one house proposed at the top of the hill and one house at the bottom of the hill. The lower property appears to be in the drainage area of the upper property. Any fill on the lower property will have a major impact on the existing trees and the ultimate result is the removal of the trees. We also know that changing the elevation of one piece of property always affects the adjoining property and streets. The adjoining properties include those on both Blackfoot Pass and Cheyenne Trail. The impact to the neighborhood regarding the drainage and erosion is well past the property lines of 6609 Blackfoot Pass.

Once you start changing the character of Indian Hills by sticking houses in wherever a builder wants to put one, you can never undo it or stop it from happening again. Once you set the precedence, you will have changed over 60 years of the lifestyle of Indian Hills. This is our neighborhood. Please do not let a builder come in and change the character and lifestyle of our neighborhood.

Kay and Lynn Laaksonen  
6404 Indian Hills Road

# MALKERSON GUNN MARTIN LLP

1900 U.S. BANK PLAZA SOUTH TOWER  
220 SOUTH SIXTH STREET  
MINNEAPOLIS, MINNESOTA 55402  
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TIMOTHY J. KEANE  
612-455-6633 DIRECT  
TIM.KEANE@MGMLLP.COM

September 25, 2013

Mayor James Hovland and Members  
of the City Council  
City of Edina  
4801 W. 50<sup>th</sup> St.  
Edina, MN 55424

Re: 6609 Blackfoot Pass - Applications for Subdivision and Variance  
Our File No. 2763.001

Dear Mayor Hovland and Members of the City Council:

This letter is offered on behalf of our client, several property owners who are longtime residents of the Indian Hills Neighborhood. The purpose of this letter is to note the objections to the applications of Great American Homes, Inc. to the proposed subdivision of the property at 6609 Blackfoot Pass (the "Subject Property") into two lots ("the Project"). The Project presents issues of interpretation of the subdivision, and variance regulations, as well as the Comprehensive Plan. The reason the Subject Property is the largest lot in Indian Hills is because much of the parcel is not buildable without drastic alteration of the unique topography.

## **What is a neighborhood?**

Indian Hills was developed as a master planned community over 50 years ago and built out over the next decade. Indian Hills is a remarkable neighborhood noted for its meandering streets; thickly wooded, steep, and rolling topography; significant stands of deciduous and hardwood forestation; and large estate lots supporting home sites respectful of the natural environment. The Indian Hills Neighborhood is one that has evolved as a close-knit community with a sense of neighborhood and community pride. In many ways, Indian Hills represents much of the heritage of the strengths of Edina reflected in the Community Profile in the Edina Comprehensive Plan. Blackfoot Pass and Cheyenne Trail form a sub-neighborhood of approximately 15 lots within Indian Hills that is characterized by steep slopes and heavily wooded lots.

For purposes of the Subdivision Regulations, the Edina City Code defines “a neighborhood” at Section 810.02:

**Neighborhood.** All lots in the Single Dwelling Unit District as established by Section 850 of this Code which are wholly or partially within 500 feet of the perimeter of the proposed plat or subdivision, except:

- A. Lots used for publicly owned parks, playgrounds, athletic facilities and golf courses;
- B. Lots used for conditional uses as established by Section 850 of this Code; or
- C. Lots separated from the proposed plat or subdivision by the right of way of either T.H. 100 or T.H. 62.

If the neighborhood includes only a part of a lot, then the whole of that lot shall be included in the neighborhood. As to streets on the perimeter of the proposed plat or subdivision, the 500 feet shall be measured from the common line of the street and the proposed plat or subdivision.

Edina Code of Ordinances, Section 810.02.

This definition of “neighborhood” in the Code of Ordinances provides for an indiscriminate geometric radius of 500 feet that does not take into account actual neighborhood boundaries or characteristics. For purposes of the Project applications, the 500 foot perimeter from the Subject Property extends east toward Gleason Road into two cul-de-sac neighborhoods that share little in common with the Indian Hills Neighborhood and nothing in common with the identity of the Indian Hills Neighborhood.

The lots on Gleason Terrace and St. Alban’s Circle, while contiguous to the Indian Hills Neighborhood, are generally less than 50% of the lot area of the lots in Indian Hills. The Gleason Terrace and St. Alban’s Circle subdivisions were developed more than a decade after Indian Hills and are not subject to the master planned community characteristics or restrictions that control the Indian Hills Neighborhood. The Project proposed by the Developer would not be possible for consideration as a subdivision if the Subject Property was not in close proximity to the smaller lots in the Gleason Terrace and St. Alban’s Circle subdivisions.

Moreover, if approved, the bar for the next lot division in this neighborhood would be lowered two notches. The logical extension of each lot division lowers the average for the next.

The City of Edina 2008 Comprehensive Plan (the "Comp Plan") provides for an extensive discussion and examination of the importance of neighborhood types throughout the City. Indian Hills Neighborhood is described as follows:

**Post-War Garden Revival** is a term used to describe one specific district: The Indian Hills Neighborhood and vicinity north of the Braemer Park Golf Course in the City's hilly southwest quadrant. This area is similar to the earlier Interlachen area in that streets wind around the steep contours, lots are large and a high proportion of trees have been retained. [Emphasis added].

The Comp Plan provides at Section 4.4 of the Goals and Policies section that sets forth the following land use goal:

**Protect and preserve the essential character of existing residential neighborhoods. Comp Plan, p. 4-21.**

**Applicant Cannot Satisfy Subdivision Findings.**

The subdivision of lots is governed by the requirements set forth in Chapter 810 of the Edina Code of Ordinances. The criteria to be considered by the Council in determining whether to approve or disapprove a subdivision are set forth at Section 810.11. Set forth below is a discussion of the criteria applicable to the Project proposed on the Subject Property as follows:

- A. The impact of the proposed plat or subdivision, and proposed development, on the character and symmetry of the neighborhood as evidenced and indicated by, but not limited to, the following matters:
  1. The suitability of the size and shape of the lots in the proposed plat or subdivision relative to the size and shape of lots in the neighborhood; and
  2. The compatibility of the size, shape, location and arrangement of the lots in the proposed plat or subdivision with the proposed density and intended use of the site and the density and use of lots in the neighborhood.

**Response:** The Project requires mass grading of steep slopes, construction of retaining walls and significant tree removal that is not compatible with existing neighborhood. Indian Hills as originally developed was designed to minimize grading and preserve significant vegetation. The heavily wooded home sites built into the natural topographic contours reflect the distinct character of Indian Hills.

- B. The impact of the proposed plat or subdivision, and proposed development, on the environment, including but not limited to, topography, steep slopes, vegetation, naturally occurring lakes, ponds and streams, susceptibility of the site to flooding and water storage needs on and from the site.

**Response:** See response to A. above. The topography of the Indian Hills neighborhood was shaped at the retreat of the last period of glaciation as a terminal moraine. The subdivision requires mass grading of steep slopes shaped by these glacial deposits and the loss of mature vegetation.

- C. The consistency of the proposed plat or subdivision, and proposed development, and compliance by the proposed plat or subdivision, and the proposed development, with the policies, objectives, and goals of the Comprehensive Plan.

**Response:** The subdivision is inconsistent with the Edina Comprehensive Plan which provides Goal 4.4 to “protect and preserve the essential character of the existing neighborhood.” This finding reflects the heart of the concerns of the Indian Hills residents. Specifically, the subdivision not only requires shoe-horning two lots in where one existed for over 50 years, but the mass grading and tree removal necessary to create a second buildable lot will permanently alter the character neighborhood.

- D. Whether the physical characteristics of the property, including, without limitation, topography, vegetation, susceptibility to erosion or siltation, susceptibility to flooding, use as a natural recovery and ponding area for storm water, and potential disturbance of slopes with a grade of 18 percent or more, are such that the property is not suitable for the type of development or use proposed.

**Response:** Most of the Subject Property is defined by heavily wooded hillsides. The soils are glacial till of a high-gravel content. The subdivision would require substantial vegetation removal and grading of highly-erodible soils. The natural features of the Subject Property are not suitable for development.

E. Whether development within the proposed plat or subdivision will cause the disturbance of more than 25 percent of the total area in such plat or subdivision containing slopes exceeding 18 percent.

**Response:** The subdivision will require substantial grading, removal of mature oaks, and disturbance of steep slopes.

F. Whether the proposed plat or subdivision, or the improvements proposed to be placed thereon are likely to cause substantial environmental damage.

**Response:** As discussed above, the subdivision cannot be developed without the potential for substantial environmental damage, including the removal of mature trees, erosion due to exposure of highly-erodible soils and added threat of stormwater damage to adjacent properties.

**Applicant Cannot Satisfy Variance Findings.**

The standards and findings required for granting a variance are set forth in the zoning ordinance and are set forth below:

**Finding a):** Will the proposal relieve practical difficulties that prevent a reasonable use from complying with the ordinance requirements?

**Response:** No. Reasonable use in this context means that the land cannot be put to any reasonable use without the variance. The Subject Property is currently put to the reasonable use of a lot for a single family home. The practical difficulties in complying with the code are self-imposed and created by the applicant who is attempting to develop steep hills and slopes.

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

Mayor James Hovland and Members  
of the City Council  
City of Edina  
September 24, 2013  
Page No. 6

proximity of the adjacent home to the south are entirely created by the applicant and are not unique to the neighborhood.

Finding c): Will the variance alter the essential character of the neighborhood?

**Response:** Yes. The proposed building location is a 55% setback reduction and would alter the essential character of the neighborhood. The development of the Subject Property as proposed will result in the removal of significant mature vegetation and mass grading requiring retaining walls up to 12 feet in height. These alterations are not in keeping with the essential character of the neighborhood.

**Conclusion.**

The Subject Property was platted as the largest lot within Indian Hills because of the development limitations imposed by the extraordinary topography and exquisite mature vegetation. The developer cannot demonstrate findings for approval of the subdivision or variance applications. As such, the residents of the Indian Hills neighborhood respectfully request denial of the subdivision and variance applications for the Project.

Respectfully submitted,

**MALKERSON GUNN MARTIN LLP**



Timothy J. Keane

TJK/ban

cc: Dr. Charles and Bert Ledder

Deb Mangen

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**From:** Lynn Laaksonen <goldielax@comcast.net>  
**Sent:** Tuesday, September 24, 2013 5:05 PM  
**To:** Edina Mail; jonibennett12@comcast.net; Mary Brindle (Comcast); joshsprague@edinarealty.com; swensonann1@gmail.com; Cary Teague  
**Subject:** oppose subdivision of 6609 Blackfoot Pass

As 36 year residents of 6404 Indian Hills Road my husband and I oppose the subdivision of 6609 Blackfoot Pass.

We moved from Minneapolis to give our children the opportunity to grow up in an area of trees and hills, large yards, and a feeling of being in the country while keeping us near our jobs and the advantages of city life. We found that opportunity in Indian Hills. We have neighbors but there are enough trees and wild area between the houses that we can't see the houses behind us or on either side. Our sons could have a fort in the woods and not leave our yard. We have a swimming pool and most of our neighbors don't even know that it's there. Our yard is frequented by deer (including a 10 point buck), turkeys (up to 23 at one time), birds, ducks, coyotes, fox and even 2 opossum. Our yard was established in 1952/1953 so the white oak, red oak, maple, white pine and other evergreens are large, mature trees that we have an arborist monitor and prune on a yearly basis. We do this to maintain both the value of our property and the value of our property to the neighborhood.

Indian Hills is distinct in that we do have large lots. Some of the neighbors have purchased an adjoining lot to make their property even bigger. We have traditionally opposed subdivision to keep builders from starting the trend of smaller homes or large homes on smaller lots. We see the problems that are causing so much stress in Country Club and we don't want Indian Hills to have to deal with all of those issues. Our neighborhood is made up of large wooded lots with a generous wild area on both sides and to the back of the lot. We don't have homes directly on the street and we don't have fences or retaining walls merely to separate the lots.

As those of us who live on a hill know, drainage issues and erosion are very real concerns. The property at 6609 Blackfoot Pass is a very steep hill with one house proposed at the top of the hill and one house at the bottom of the hill. The lower property appears to be in the drainage area of the upper property. Any fill on the lower property will have a major impact on the existing trees and the ultimate result is the removal of the trees. We also know that changing the elevation of one piece of property always affects the adjoining property and streets. The adjoining properties include those on both Blackfoot Pass and Cheyenne Trail. The impact to the neighborhood regarding the drainage and erosion is well past the property lines of 6609 Blackfoot Pass.

Once you start changing the character of Indian Hills by sticking houses in wherever a builder wants to put one, you can never undo it or stop it from happening again. Once you set the precedence, you will have changed over 60 years of the lifestyle of Indian Hills. This is our neighborhood. Please do not let a builder come in and change the character and lifestyle of our neighborhood.

Kay and Lynn Laaksonen  
6404 Indian Hills Road

Deb Mangen

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**From:** james schwender <jdschwender@yahoo.com>  
**Sent:** Tuesday, September 24, 2013 6:49 PM  
**To:** Edina Mail; jonibennett12@comcast.net; Mary Brindle (Comcast); joshsprague@edinarealty.com; swensonann1@gmail.com

Dear City Council Members:

I live on 6700 Cheyenne Trail directly in front to the sub-division in question. I strongly disagree that the builder is making his best effort to leave the property 'in order' with the surrounding neighborhood. If he were there would be no subdivision and a new single family home would be built on the existing property. Many lots in this community, including mine, are of similar size. I think this subdivision effort would have lasting consequences in this part of Edina to set precedence. In addition, there are many mature trees that will need to be sacrificed for his personal gain.

I share all the concerns of my current neighbors in regard to the "real" flood problems that currently occur after heavy rains and the traffic problems. The intersection between Cheyenne trail and Blackfoot pass is already dangerous and by adding two driveways on the existing property will only make this intersection even more dangerous and unsafe for the many children in the area.

Please consider doing everything in your elected power to help our community and not a specific individual  
Thank you for your time  
James Schwender

Deb Mangen

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**From:** Susan Brunn <sbrunn@me.com>  
**Sent:** Tuesday, September 24, 2013 8:28 PM  
**To:** Edina Mail  
**Subject:** Opposition to the Subdivision of 6609 Blackfoot Pass

Dear Mayor Hovland:

I am writing in opposition to the proposed subdivision of the property at 6609 Blackfoot Pass.

As a 20 year resident of the property at 6601 Blackfoot Pass, I urge the Edina City Council to deny the proposed subdivision in order to maintain the character and integrity of the Indian Hills neighborhood, which is known for its large and spacious lots.

The property in question is a challenging lot at best, and is particularly ill-suited for subdivision. My neighbors and I have a long list of concerns, including such long term questions as water run-off and drainage, what would happen to the many mature trees on the lot, proximity to the adjacent lot/neighbor, and issues regarding how average lot sizes are calculated in our neighborhood.

In my opinion, it does not serve the city of Edina, nor its comprehensive development plan, to begin to chisel away at the few neighborhoods left where relatively large lots are the norm. When so many of the other neighborhoods in Edina are complaining of too-large houses being built on too-small lots, it seems a shame to eliminate these large and very desirable lots from the Edina real estate landscape.

I urge you to vote against this proposed subdivision. Thank you very much for your consideration.

Sincerely,

Susan Harker Brunn  
6601 Blackfoot Pass  
Edina MN 55439

Deb Mangen

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**From:** deanandmary@aol.com  
**Sent:** Tuesday, September 24, 2013 10:32 PM  
**To:** Edina Mail  
**Subject:** Subdivision of 6609 Blackfoot Pass

Dean and Mary Swanson 6617 Cheyenne Trail

We have lived in our home since 1984. It was the character and charm of the Indian Hills neighborhood that made our jaws drop when we first saw it. There is not a neighborhood like it in all of Edina. Huge, beautiful trees, wild areas of untouched land. Half of our lot is native land, untouched except for the removal of buckthorn.

Our first concern is changing the character of our neighborhood. Following the 500 ft mean will eventually make all the perimeter lots fold in, huge trees removed, and over the years it will look like every other neighborhood, manicured lawns, boulders, etc.

Second, we cannot imagine how the proposed subdividing of 6609 Blackfoot Pass can have proper drainage so as to not affect the neighboring properties and the street. The existing trees and wild growth absorb so much water.

When it rains, the water does collect on the street now. Proper drainage of this lot has to be a huge engineering challenge that one engineer in our neighborhood thinks impossible.

We will all be crying when all the savanagh oak trees are cut down, over a hundred years old. It appears to the engineer in the neighborhood that 90% of the trees will have to be removed to accommodate all the retaining walls and steep slopes. Dean counted 57 trees on this lot and the builder has not said what will be removed. This lot is STEEP.

The two proposed driveways are on a blind corner that looks unsafe to us.

We beg you not to put us at the forefront of this slippery slope of subdivision that will most certainly be regretted at some future date.

Respectfully,

Dean and Mary Swanson

**From:** Jennifer Rowland <jenniferrowland@comcast.net>  
**Sent:** Wednesday, September 25, 2013 9:14 AM  
**To:** Jackie Hoogenakker  
**Cc:** Edina Mail; Mary Brindle (Comcast); joshsprague@edinarealty.com; swensonann1@gmail.com  
**Subject:** Re: Proposed Blackfoot Pass Lot Subdivision

> To the Edina Planning Commission and City Council Members,

>

> I am writing on behalf of my husband David Rowland and myself to address a proposed subdivision of a recently purchased lot on Blackfoot Pass in the Indian Hills neighborhood in which we reside. We have lived in two homes in Edina for most of the past 21 years and we have enjoyed both homes for their unique qualities. Our first home was at 5003 Arden Avenue in the Brucewood neighborhood of Edina. We enjoyed the many amenities of living in close proximity to 50th & France and Arden Park as our children grew up. Our second home in Edina is located at 6605 Dakota Trail. This property includes a second parcel, 6601 Dakota Trail which the previous owners had purchased and combined to create an even larger property in the beautiful Indian Hills neighborhood. We chose this home after learning more about the west side of Edina and came to appreciate the larger lots, beautiful trees and more country-like feel. Although we moved out of the east side of Edina, we had come to learn that the features of the Indian Hills neighborhood met our needs and desires for our current phase of life.

>

> The neighborhood diversity in Edina makes it a stronger community. The distinct characteristics of each neighborhood allows Edina to meet the needs of a variety of people with a variety of needs and desires. The proposed subdivision is inconsistent with the unique characteristics provided in the Indian Hills neighborhood. It would be a mistake to allow this sort of transformation to occur, and it would weaken an important strength of the city of Edina.

>

> Thank you for the consideration of our perspective in this matter.

>

> David and Jennifer Rowland

> 6605 & 6601 Dakota Trail

> Edina, Mn 55439

>

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Deb Mangen

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**From:** Bert Ledder <lsledder@aol.com>  
**Sent:** Wednesday, September 25, 2013 10:29 AM  
**To:** Edina Mail; jonibennett12@comcast.net; Mary Brindle (Comcast); joshsprague@edinarealty.com; swensonann1@gmail.com; Cary Teague  
**Subject:** Letter for the City Council for October 1st Council Meeting from Pat Kreuziger  
**Attachments:** Pat Kreuziger's Letter.docx

Please include this in the October 1, 2013 City Council Meeting Packet.

Sincerely,

Pat Kreuziger  
6709 Cheyenne Trail  
Edina, MN 55439

Mayor Jim Hovland and Members of the City Council  
From Pat Kreuziger, 6705 Cheyenne Trail  
Re: Proposed Subdivision of 6609 Blackfoot Pass  
Date: September 25, 2013

As one whose property abuts this Blackfoot Pass property on the south, I have many concerns and unanswered questions.

Four of us neighbors met with Scott Busyn on August 8<sup>th</sup> at his invitation. The copy of his proposed plat to the City of Edina stated his proposed lot sizes as Lot 1 at 1.32 acres and Lot 2 at .46 acre. He promptly informed us that his surveyor makes a lot of mistakes and those numbers were wrong. They instead should have been 1.07 and .71 respectively. I do not know where those property lines would be and it makes very nervous to have someone building next to me who makes these kinds of mistakes.

I totally agree with the members of the Planning Commission who feel that the 500 foot radius rule isn't fair or correct when you mix neighborhoods that are vastly different.

Safety is an issue on Blackfoot Pass. I have an accident report from 2009 when a car coming southwest on the Pass hit the mailbox at 6700 Cheyenne Trail and a tree on my front lawn across the street. The car was impacted to the point that it could not be driven. It was fortunate that it did not hit a child or other pedestrian. If two driveways are put at 6609 and close to the intersection of Cheyenne Trail it will make an already blind intersection even more dangerous.

If this sub-division were to be granted the character of the neighborhood would **DRASTICALLY** change.

1. Trees that are decades old would be removed.
2. Drainage and water issues would be a significant problem.
3. Noise would become an issue with two homes on the lot, more people, more hard surfaces and fewer trees as a sound buffer.
4. 16 foot retaining walls made from interlocking prefabricated blocks are certainly not characteristic of our beautiful neighborhood.

I could go on and on, but I know you are receiving many letters so I will let others expound on the character.

It greatly concerns me that if a sub-division were granted in Indian Hills it would destroy our historic and unique neighborhood forever. In my opinion, it would be extremely short-sighted to think that a decision to grant sub-division stands alone rather than setting a PRECEDENT. It is my hope that you elected members of the City Council will give this whole matter your deepest concern and act as the Planning Commission did in rejecting this subdivision.

My sincere thanks go to all of you on the Council and I deeply appreciate those of you who took time to come to view the properties in person.

Most respectfully,  
Pat Kreuziger

Deb Mangen

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**From:** glmarshall07@comcast.net  
**Sent:** Wednesday, September 25, 2013 11:47 AM  
**To:** Edina Mail; joshsprague@edinarealty.com; swensonann1@gmail.com; Mary Brindle (Comcast); jonibennett12@comcast.net  
**Subject:** Blackfoot Pass Proposed Sub-division

Dear Council Members,

What a disappointment to find out that the neighborhood in which I grew up is being considered for sub-division!

You are faced with a significant choice that will have monumental effects on the future of Indian Hills, the surrounding neighborhoods, and the city of Edina.

I ask that you please vote against the proposed sub-division on Blackfoot Pass.

Thank you!

Laurie Marshall  
EHS '84 graduate

Deb Mangen

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**From:** Bert Ledder <lsledder@aol.com>  
**Sent:** Wednesday, September 25, 2013 11:53 AM  
**To:** Edina Mail; jonibennett12@comcast.net; Mary Brindle (Comcast); joshsprague@edinarealty.com; swensonann1@gmail.com  
**Subject:** Letter for Council October 1, 2013 Meeting Packet  
**Attachments:** September 25.docx

Please send this letter to the City Council and include it in with there Council Packet for the Proposed Subdivision of 6609 Blackfoot Pass.

Thank you.  
Bert Ledder  
6709 Cheyenne Trail  
Edina, MN 55439

September 25, 2013

Dr. Charles & Bert Ledder  
6709 Cheyenne Trail  
Edina, MN 55439

Honorable Mayor Hovland and Edina City Council  
The City of Edina  
4801 W. 50<sup>th</sup> Street  
Edina, MN 55424

Dear Mayor Hovland and Council Members:

We are writing you to again express our disapproval of the proposed subdivision of 6609 Blackfoot Pass. We believe the Edina City Planning commission had it correct when they voted to not let this property be subdivided and their remarks indicate why.

Indian Hills is a unique area in Edina with its own very distinct characteristics. The hills are a terminal moraine from the Glacier Era and are small stones and sand deposited at the end of the glacier. In living with this land for over 27 years, we know that if disturbed this land washes and becomes a serious and dangerous issue. We experienced this personally in the July 23, 1987 flood when the hill behind us collapsed and the sand, stones and trees washed into the back of our home. We do not have a home behind us, rather we have the parking lot of St. Alban's Church about 100 feet behind our home with a substantial drain at the north end of their property. The much larger pine trees did not fall into our home but were affected. Since then, we have terraced the back yard with the back yard with retaining walls of wooded beams to keep in character with the neighborhood. This has helped but we still have water falls in the spring from melting snow off of the parking lot. The Church property committees as well as we have worked hard to preserve the natural wooded land as any disturbance in it would cause significant harm to our property. This is just a sample of what could potentially happen to a home on the proposed subdivided lot. This "new" lot would not have a 100 foot wooded area for water to soak into. A 16 foot retaining wall of prefabricated interlocking stones does not suit the character of the neighborhood nor would it hold to eliminate the run off from the land 20 feet above.

It is important that you be aware of what can, does and will happen to this property if subdivided. There are significant water and drainage issues that cannot be over looked.

We appreciate your time with this matter and for all that you do for the City.

Sincerely,

Dr. Charles T. Ledder and Bert Ledder

Deb Mangen

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**From:** dusen001@umn.edu  
**Sent:** Wednesday, September 25, 2013 11:58 AM  
**To:** Edina Mail; jonibennett12@comcast.net; joshsprague@edinarealty.com; swensonann1@gmail.com; Mary Brindle  
**Subject:** proposed subdivision of 6605 Blackfoot Pass

Dear Mayor and City Council Members

I received notice of the upcoming City Council meeting to discuss the proposed subdivision of 6609 Blackfoot Pass in Edina. I own and reside in the adjacent property to the north at 6605 Blackfoot Pass and feel there are several compelling reasons to deny the request. The purpose of this letter is to express my concerns and opposition to the subdivision.

The topography of the lot at 6609 Blackfoot Pass is very steep. The current house sits atop the only logical location for a home, with the rest of the terrain at a very steep incline.

The proposed second home would not only require a series of tall retaining walls to hold back the hill, but would sacrifice a beautiful stand of mature oak trees. Moreover, the new homesite is proposed to be located extremely close to the home on Cheyenne Trail, leaving only about 30 feet between the homes.

The homeowner on Cheyenne Trail already suffers from drainage issues whenever there is a heavy rain. The addition of a home closer to her house will only exacerbate those issues. I was at the city planning meeting and the builders only plan to address this concern was to contour the area so as to "push" the

rain water towards Blackfoot Pass. As we do not have sidewalks and sewer drains, I worry that this plan is very short sighted.

Retaining ponds seem to me to be a better idea.

Although the subdivision would result in 2 sizeable lots (1 acre and 0.7 acres respectively), the other homes on Blackfoot Pass are larger and average 0.93 acres (1.02, 2.11 and 0.68 acres). I am aware that city ordinance suggests allowing a minimum lot size of the average for homes in a 500 foot radius of the proposed subdivision. In this situation the 500 foot radius ends up including lots in newer, non-contiguous neighborhoods. Those homes were not part of the original Indian Hills and have a separate identity. If the purpose of this ordinance is to preserve the integrity of neighborhoods, it doesn't make sense to me to use those lots outside of our neighborhood to calculate the minimum lot size.

In summary, I strongly oppose the subdivision of the lot at 6609 Blackfoot Pass. I plan to attend the upcoming City Council meeting. Thank you for your consideration.

Kathryn E Dusenbery MD

Levitt Chair in Radiation Oncology  
Head and Associate Professor  
University of MN  
Minneapolis, MN 55455  
academic office 612-626-6146  
clinic 612-273-6700  
pager 612-899-7199

September 26, 2013



To The Edina City Council:

My Name is Douglas L. Johnson. My wife Peggy and I have owned the property at 6609 Blackfoot Pass since 1967. We were particularly attracted to it because we both spent a good portion of our youth in forested environments, I in northern Minnesota and she in the heart of the Ozarks.

I am extremely hard of hearing to the point of being functionally deaf. I will not have understood anything that has been said here tonight either by the public or the council. I know this because I attended the Planning Commission hearing on this topic in this very room. I could understand nothing that was said, even though I was provided with some hearing devices. However, my son accompanied me and gave me his understanding of some things that were said. I would like to address two disturbing accusations, which were probably repeated here tonight:

1. I am environmentally insensitive.
2. I am sacrificing the environment to greed.

Some trees were removed by the previous owner of the property in anticipation of construction but none were removed by me. Elms and oaks have succumbed to disease. They have been promptly removed and properly disposed of at considerable expense. A number of elms have been treated for elm disease at considerable expense, but even so, two of those died and had to be removed.

In 1993, I planted 24 walnut seedlings. Some of these directly replaced removed trees. Nine of these have survived as well as a green ash planted some time later. Squirrels have planted several more volunteer walnuts over the years.

But today there are no squirrels. I visited the house on Saturday, September 21 to continue removing household items and found the parking pad littered with whole green walnuts. I was astounded. The squirrels do not let this happen. The walnuts are long removed before they drop. There is also always a red squirrel that takes over the tree next to the parking pad. He was not there. The scene was unchanged again the next day. This has happened only once before, about 8 - 10 years ago. At that time I found two dying squirrels by the driveway. Disease maybe? Then a couple of days later I found a dead hawk while mowing the lawn. Then it dawned on me, the squirrels were poisoned and the hawk had eaten one or more of them. Hawks do not catch live, healthy squirrels. So today some neighbor is again poisoning the squirrels. If that neighbor is here tonight impugning my environmental conscience I would quote Mr. Shakespeare when he wrote "me thinks he doth protest too loud".

I retired from 3M in 1987 with a fixed pension of \$36,000 plus Social Security. That is now about \$52,000 a year total, but the purchasing power of the dollar is about half of what it was 26 years ago.

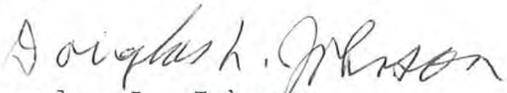
Starting in 1990 I noticed some changes in my wife's health. She became sensitive to moderate heat, became unsteady on her feet, experience forgetfulness and other things. In 1995 after several doctors and numerous tests she was diagnosed with primary progressive MS. This is the less common type. It gradually gets worse and never remits. She proceeded to develop muscle spasms, seizures, balance problems, both urinary and fecal incontinence and worst of all a near total loss of memory. I finally had to hire daytime in-home nursing help to bathe and tend to her. Finally in late June 2004, the nurse said she thought Peggy was having trouble breathing. Her nursing supervisor said we should get her to the emergency room. She had a pulmonary embolism, blood clots in the lungs. They also discovered that she had had a silent heart attack. Her heart was impaired. By then she couldn't walk, couldn't even crawl. I had to admit her to the Edina Care Center.

Peggy spent eight years and eight months at the Edina Care Center. I visited her twice a day seven days a week for all that time. I have not been out of the Twin Cities for 15 years. She died February 28, 2013. The nursing home had cost \$600,000 during that time. Add to that at least one hospital stay every year, medical bills, drug bills, physical therapy bills, almost 3 years of in-home nursing and it comes to at least \$700,000 over 23 years. That shot a huge hole in my life savings. I am now 84 years old, 85 yet this year. I did all the car, house and yard care work myself except the last year or two when neighbor Kathryn Dusenbury's son, graciously cleared snow and mowed the grass. My children and grandchildren helped too. I may well be faced with nursing home expenses myself before long.

So it came time finally to sell the property and recover as much income producing cash as I could. The realtor suggested that it would bring some \$200,000 more if sub-divided. I thought long and hard about that but decided that the builder, Mr. Busyn was an ecofriendly person and that the sub-division as proposed especially with the variance would eliminate few trees. The Edina Planning Dept report agrees with that. The variance would eliminate few trees. The trees to be removed are elms, which will die sooner or later and cottonwoods which I had considered taking out almost every spring when they make a great mess for 4 - 6 weeks. Others in the neighborhood have done the same. One neighbor even took down a 150 year old oak tree because it was shading her garden. I removed two tree sized limbs from a 3 foot in diameter oak because they were shading a neighbors grass. She has no trees.

I do not know if non-technical factors are a consideration in these matters. If items such as public sensibilities, neighborhood character and environment are to be considered then human welfare is certainly equally as important. I am trying to salvage a few years of decent rest and retirement after 70 years of being in the harness of responsibility. I would not call that greed or insensitivity. I think of myself as a survivor. I leave it up to the council to decide.

Thank you,

  
Douglas L. Johnson