

REPORT / RECOMMENDATION



To: MAYOR AND COUNCIL

Agenda Item #: VI.C.

From: Cary Teague, Community Development Director

Action

Discussion

Information

Date: October 14, 2013

Subject:

PUBLIC HEARING – Resolution No. 2013-82 & 2013-83, Preliminary Plat & Front Yard Setback Variance, 6609 Blackfoot Pass; Great Neighborhood Homes Inc. on behalf of Douglas Johnson.

Action Requested:

Adopt the attached resolution.

Information / Background:

Great Neighborhood Homes Inc. on behalf of Douglas Johnson is proposing to subdivide the property at 6609 Blackfoot Pass into two lots. The existing home would be torn down, and two new homes built on the new lots. (See applicant narrative and plans on pages A4–A16 of the Planning Commission staff report.) The new home on Lot 1 would be located generally where the existing home is located. The home on Lot 2, would be located toward the street in an area away from the adjacent home to the south, to avoid large Oak trees and some of the steeper slopes on the site. (See page A14.)

To accommodate the request the following is required:

1. A subdivision;
2. Front yard setback variance from 100 feet to 45 feet for proposed Lot 2.

Both lots would gain access off Blackfoot Pass. Within this neighborhood, the median lot area is 27,131 square feet, median lot depth is 183 feet, and the median lot width is 146 feet. The new lots would meet the median width, depth, and lot size requirements. A new home could be built on Lot 2 without the need for a variance, however, in doing so some of the best trees on the site would be removed (large Oak trees); more slopes would be disturbed, and the home would be located much closer to the existing home at 6705 Cheyenne Trail.

Planning Commission Recommendation:

The planning commission recommend denial of the preliminary plat and variance based on the findings that the proposed subdivision would be out of character with the neighborhood, and that it would be inconsistent with the goal of the Comprehensive Plan to preserve neighborhood character. Motion to deny carried on a vote of 6-2.

The Planning Commission's recommendation is based on the following considerations from the Subdivision Ordinance. Please note that these considerations are subjective. The proposed subdivision meets the City's minimum size regulations.

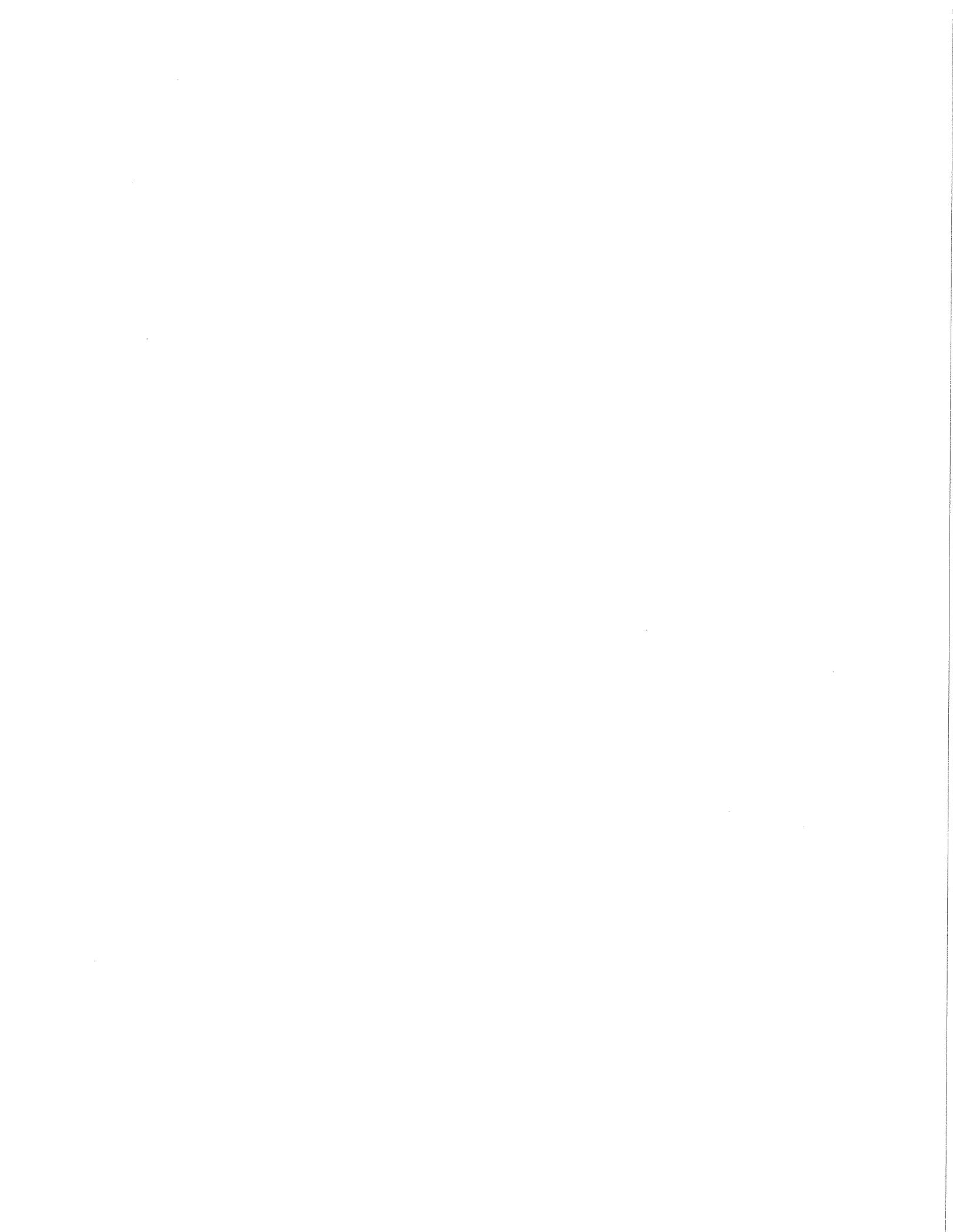
Subd. 1 **Considerations.** The Commission in reviewing proposed plats and subdivisions and in determining its recommendation to the Council, and the Council in determining whether to approve or disapprove of any plat or subdivision, may consider, among other matters, the following:

- 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.
- 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 erosion and sedimentation, susceptibility of the site to flooding and water storage needs on and from the site.
- 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.
- D. The compliance of the proposed plat or subdivision, and the proposed development with the policies, objectives, goals and requirements of Section 850 of this Code including, without limitation, the lot size provisions and the Floodplain Overlay District provisions of Section 850 of this Code.
- E. The impact of the proposed plat or subdivision, and proposed development on the health, safety and general welfare of the public.
- F. The relationship of the design of the site, or the improvements proposed and the conflict of such design or improvements, with any easements of record or on the ground.
- G. The relationship of lots in the proposed plat or subdivision to existing streets and the adequacy and safety of ingress to and egress from such lots from and to existing streets.
- H. The adequacy of streets in the proposed plat or subdivision, and the conformity with existing and planned streets and highways in surrounding areas. Streets in the proposed plat or subdivision shall be deemed inadequate if designed or located so as to prevent or deny public street access to adjoining properties, it being the policy of the City to avoid landlocked tracts, parcels or lots.

- I. The suitability of street grades in relation to the grades of lots and existing or future extension of the City's water, storm and sanitary sewer systems.
- J. The adequacy and availability of access by police, fire, ambulance and other life safety vehicles to all proposed improvements to be developed on the proposed plat or subdivision.
- K. 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.
- L. 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.
- M. Whether the proposed plat or subdivision, or the improvements proposed to be placed thereon are likely to cause substantial environmental damage.

ATTACHMENTS:

- Resolution No. 2013-82 and No. 2013-83
- Draft minutes from the September 11, 2013 Edina Planning Commission meeting
- Planning Commission Staff Report, September 11, 2013
- Letter from Malkerson Gunn Martin LLP





**RESOLUTION NO. 2013-82
APPROVING A PRELIMINARY PLAT
AT 6609 BLACKFOOT PASS**

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

Section 1. BACKGROUND.

- 1.01 Great Neighborhood Homes Inc. on behalf of Douglas Johnson is proposing to subdivide the property at 6609 Blackfoot Pass into two lots. The existing home would be torn down, and two new homes built on the new lots.
- 1.02 The following described tract of land is requested to be divided:

Lot 4, Block 3, Indian Hills, Hennepin County, Minnesota.
- 1.03 The owner of the described land desires to subdivide said tract in to the following described new and separate parcels (herein called "parcels") described as follows:

Lots 1 and 2, Block 1, Great Neighborhood Homes
- 1.04 Within this neighborhood, the median lot area is 27,131 square feet, median lot depth is 183 feet, and the median lot width is 146 feet. The proposed new lots would meet these median width, depth, and lot size requirements.
- 1.05 The proposed subdivision meets all minimum zoning ordinance requirements.
- 1.06 On July 24, 2013, the Planning Commission recommended denial of the Preliminary Plat finding that the resulting lots would out of character with the neighborhood; and that they would be inconsistent with the goal of the Comprehensive Plan to preserve neighborhood character. Motion to deny carried on a vote of 6-2.

Section 2. FINDINGS

- 2.01 Approval is based on the following findings:
1. The proposed Plat meets all required standards and ordinances for a subdivision.
 2. The subdivision would meet the neighborhood medians for lot width and depth and area.

Section 3. APPROVAL

NOW THEREFORE, it is hereby resolved by the City Council of the City of Edina, approves the Preliminary Plat for the proposed subdivision of 6609 Blackfoot Pass.

Approval is subject to the following Conditions:

1. The city must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.
2. Prior to issuance of a building permit, the following items must be submitted:
 - a. If required, submit evidence of Nine Mile Watershed District approval. The City may require revisions to the preliminary plat to meet the district's requirements.
 - b. A curb-cut permit must be obtained from the Edina Engineering department.
 - c. Utility hook-ups are subject to review of the city engineer.
 - d. Grading and drainage plans specific to any proposed house would be reviewed at the time of building permit, and shall be subject to review and approval of the city engineer. Drainage from any new home, garage or driveway would have to be directed to the street.
 - e. The applicant work with the city forester in regard to tree preservation and removal of Buckthorn.
3. Park dedication fee of \$5,000 must be paid prior to release of the final plat.
4. Drainage for construction of the new homes shall be directed away from adjacent property toward the street to greatest extent possible. Drainage plans for individual homes would subject to review and approval of the city engineer at the time of building permit approval.
5. A 10-foot conservation easement must be established along the lot lines to preserve the vegetation areas along the streets and along the north and south lot lines; and to assist with drainage and runoff from the site.

Adopted this ___ day of _____, 2013.

ATTEST: _____
Debra A. Mangen, City Clerk

James B. Hovland, Mayor

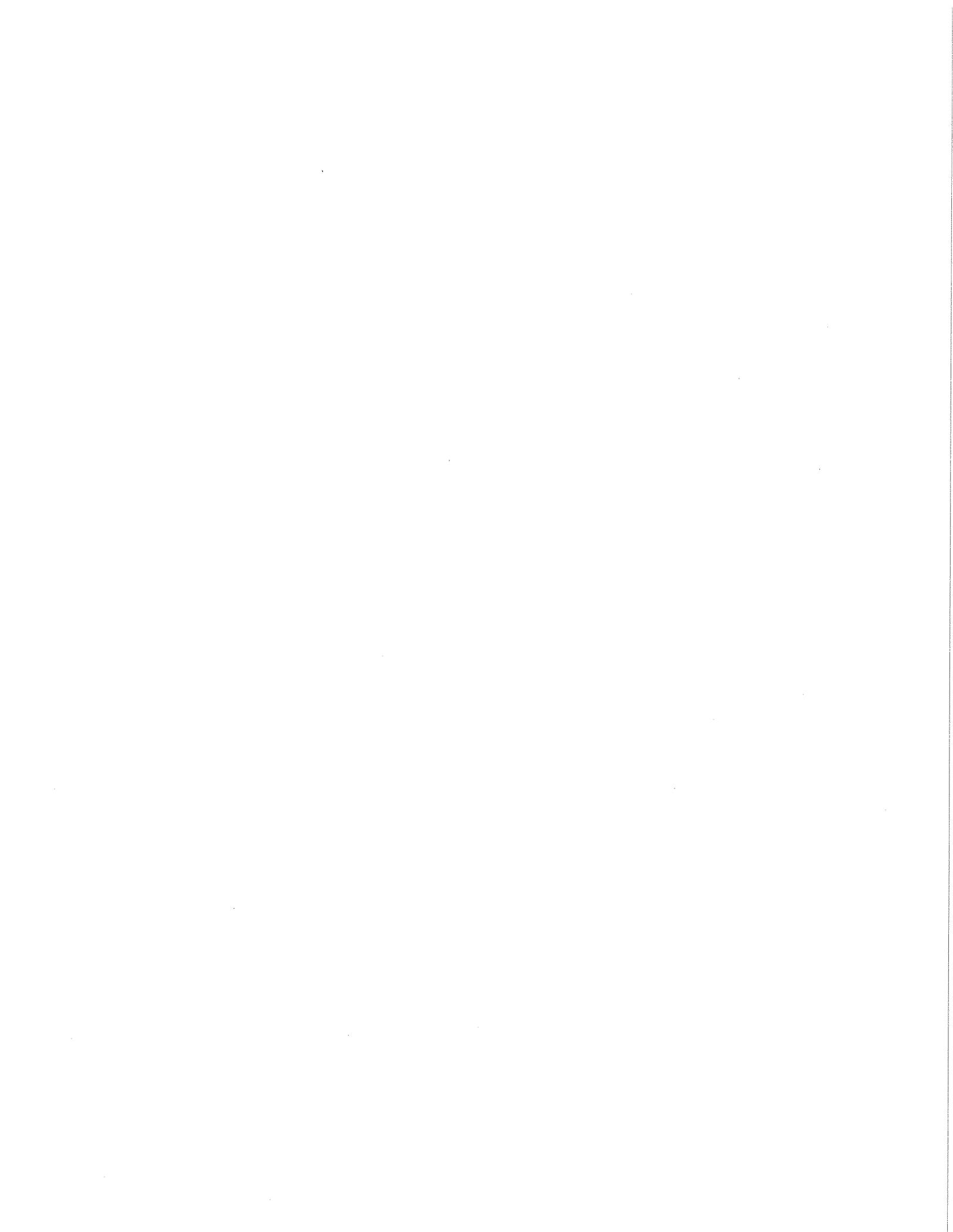
STATE OF MINNESOTA)
COUNTY OF HENNEPIN)SS
CITY OF EDINA)

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina do hereby certify that the attached and foregoing Resolution was duly adopted by the Edina City Council at its Regular Meeting of _____, 2013, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this ____ day of _____, 2013.

City Clerk





**RESOLUTION NO. 2013-83
APPROVING A FRONT YARD SETBACK
VARIANCE AT 6609 BLACKFOOT PASS**

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

Section 1. BACKGROUND.

- 1.01 Great Neighborhood Homes Inc. on behalf of Douglas Johnson is proposing a front yard setback variance from 100 feet to 45 feet for proposed Lot 2 of the Subdivision of 6609 Blackfoot Pass.
- 1.02 The purpose of the variance is to locate the home on Lot 2 toward the street in an area away from the adjacent home to the south, to avoid large Oak trees and some of the steeper slopes on the site.
- 1.02 The following is the legal description of land:
- Lot 2, Block 1, Great Neighborhood Homes.
- 1.06 On July 24, 2013, the Planning Commission recommended denial of the Preliminary Plat finding that the variance and development of this lot would be out of character with the neighborhood. Vote: 6-2.

Section 2. FINDINGS

- 2.01 Approval is based on the following findings:
1. The proposed building pad has been located on the site to cause the least amount of impact on the sites mature trees and slopes.
 2. The proposed building pad for Lot 2 would be located further away from the existing home at 6705 Cheyenne Trail, than would a code compliant home.
 3. Conservation easements would be located over the steep slopes and mature Oak Trees
 4. An additional 10-foot wide conservation easement is proposed along the north, west and south lot lines to preserve the wooded feel of the lot.
 5. The applicant is also agreeable to not construct a home to maximize the height allowed by code. He would limit the total building height to 35 feet, when the code would allow a home to be 40 feet tall to the ridge line of the home.

6. The proposal meets the required standards for a variance, because:
 - a. The practical difficult unique to the property is caused by the large mature Oak trees and slopes on the east half of Lot 2 where a code compliant building pad would be located. These are natural conditions, not caused by property owner.
 - b. The requested variances are reasonable in the context of the immediate neighborhood. There are two homes with similar front yard setbacks at 6621 and 6624 Cheyenne Trail.
 - c. There is 18-20 feet of green space in the right-of-way of Cheyenne Trail, which would result in a 65-foot setback from the edge of the paved roadway.

Section 3. APPROVAL

NOW THEREFORE, it is hereby resolved by the City Council of the City of Edina, approves a front yard setback variance for Lot 2 of the proposed Great Neighborhood Homes Subdivision of 6609 Blackfoot Pass.

Approval is subject to the following Conditions:

1. Prior to issuance of a building permit, the following items must be submitted:
 - a. If required, submit evidence of Nine Mile Watershed District approval. The City may require revisions to meet the district's requirements.
 - b. A curb-cut permit must be obtained from the Edina Engineering department.
 - c. Utility hook-ups are subject to review of the city engineer.
 - d. Grading and drainage plans specific to any proposed house would be reviewed at the time of building permit, and shall be subject to review and approval of the city engineer. Drainage from any new home, garage or driveway would have to be directed to the street.
 - e. The applicant work with the city forester in regard to tree preservation and removal of Buckthorn.
2. Any new home on Lot 2 would be limited to a ridge line height of 35 feet.
3. A 10-foot conservation easement must be established along the lot lines to preserve the vegetation areas along the streets and along the north and south lot lines.
4. A slope and tree conservation easement must be placed over the large Oak trees and slope areas to be preserved by moving the home toward the street.

Adopted this ____ day of _____, 2013.

ATTEST: _____
Debra A. Mangen, City Clerk

James B. Hovland, Mayor

STATE OF MINNESOTA)
COUNTY OF HENNEPIN)SS
CITY OF EDINA)

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina do hereby certify that the attached and foregoing Resolution was duly adopted by the Edina City Council at its Regular Meeting of _____, 2013, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this ____ day of _____, 2013.

City Clerk



P.C.
9/11

opportunity for the property owners to increase the square footage of their home without that approval.

Motion

~~Commissioner Fischer moved variance approval based on staff findings, subject to the staff conditions and noting without the aid of a variance there is no opportunity for the property owner to increase the size of their home. Commissioner Potts seconded the motion. All voted aye; motion carried.~~

B. Preliminary Plat. Scott Busyn. 6609 Blackfoot Pass, Edina, MN

Planner Presentation

Planner Teague informed the Commission Great Neighborhood Homes Inc. on behalf of Douglas Johnson is proposing to subdivide the property at 6609 Blackfoot Pass into two lots. The existing home would be torn down, and two new homes built on the new lots. The new home on Lot 1 would be located generally where the existing home is located. The home on Lot 2, would be located toward the street in an area away from the adjacent home to the south, to avoid large Oak trees and some of the steeper slopes on the site.

To accommodate the request the following is required:

1. A subdivision;
2. Front yard setback variance from 100 feet to 45 feet for proposed Lot 2.

Teague explained that both lots would gain access off Blackfoot Pass. Within this neighborhood, the median lot area is 27,131 square feet, median lot depth is 183 feet, and the median lot width is 146 feet. The new lots would meet the median width, depth, and lot size requirements. A new home could be built on Lot 2 without the need for a variance, however, in doing so some of the best trees on the site would be removed (large Oak trees); more slopes would be disturbed, and the home would be located much closer to the existing home at 6705 Cheyenne Trail.

Planner Teague concluded that staff recommends that the City Council approve the proposed two lot subdivision of 6609 Blackfoot Pass with a Front Yard Setback variance for Lot 2 from 100 feet to 45 feet from Blackfoot Pass and Cheyenne Trail based on the following findings:

1. The proposed Plat meets all required standards and ordinances for a subdivision.

2. The subdivision would meet the neighborhood medians for lot width and depth and area.
3. The proposal meets the required standards for a variance, because:
 - a. The practical difficult unique to the property is caused by the large mature Oak trees and slopes on the east half of Lot 2 where a code compliant building pad would be located. These are natural conditions, not caused by property owner.
 - b. The requested variances are reasonable in the context of the immediate neighborhood. There are two homes with similar front yard setbacks at 6621 and 6624 Cheyenne Trail.
 - c. There is 18-20 feet of green space in the right-of-way of Cheyenne Trail, which would result in a 65-foot setback from the edge of the paved roadway.
 - d. The variance results in the saving of mature Oak trees, protection of slopes, and moves the home further away from the existing home at 6705 Cheyenne Trail.

Approval is also subject to the following conditions:

1. The city must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.
2. Prior to issuance of a building permit, the following items must be submitted:
 - a. If required, submit evidence of Nine Mile Watershed District approval. The City may require revisions to the preliminary plat to meet the district's requirements.
 - b. A curb-cut permit must be obtained from the Edina Engineering department.
 - c. Utility hook-ups are subject to review of the city engineer.
 - d. Grading and drainage plans specific to any proposed house would be reviewed at the time of building permit, and shall be subject to review and approval of the city engineer. Drainage from any new home, garage or driveway would have to be directed to the street.
3. Any new home on Lot 2 would be limited to a ridge line height of 35 feet.
4. A 10-foot conservation easement must be established along the lot lines to preserve the vegetation areas along the streets and along the north and south lot lines.
5. A slope and tree conservation easement must be placed over the large Oak trees and slope areas to be preserved by moving the home toward the street.

Appearing for the Applicant

Scott Busyn, Great Neighborhood Homes

Discussion

Chair Grabel asked if the proposed subdivision conforms to the subdivision ordinance. Planner Teague responded in the affirmative. Commissioner Grabel pointed out the slopes on the property and asked if City ordinance addresses slopes. Planner Teague responded City ordinance addresses slopes in excess of 18%. Teague noted this site contains steep slopes; however, it meets the ordinance pertaining to slopes.

Commissioner Fischer stated he was struck by the diagram indicating the 500-foot neighborhood, adding in his opinion the "500-foot neighborhood" appears to contain two completely different neighborhoods. Fischer stated he struggles with the difference between these two different neighborhoods adding to him this subdivision feels wrong.

Applicant Presentation

Scott Busyn addressed the Commission acknowledging that Indian Hills is a very unique neighborhood. Busyn added he believes what he has presented works best with the sloped topography of the lot. Busyn explained that he sent a letter to all the homeowners within the 500-foot neighborhood informing them of the proposed subdivision and also held a neighborhood meeting at the site on August 8th. Busyn said the neighborhood meeting was attended by a number of the adjacent neighbors. Busyn reported as a result of that meeting he is proposing a 10-foot conservation easement to ensure that the wooded look of the property remains.

Concluding, Busyn said he was open to questions or any ideas the Commission may have on this proposal.

Discussion

Commissioner Forrest asked Mr. Busyn how he plans on implementing the conservation easement. Busyn responded he would work with the City Forrester on identifying the trees that need to be saved within the 10-foot conservation easement. Planner Teague added that the conservation easement could be handled similar to the easement that was placed on the Acres DuBois plat. If approved the easement would be recorded with the plat. Commissioner Forrest noted that this issue was previously tabled and questioned the reason. Mr. Busyn responded that he tabled the subdivision to work out and add the conservation easement to the proposal.

Commissioner Platteter referred to the grove of oak trees on Lot 2 and asked if the conservation easement would be expanded to capture those oaks. Mr. Busyn responded that Planner Teague suggested that the conservation easement includes those trees; however, much depends on final house placement; with or without variance. Neighbors also indicated they would like to retain the stone retaining wall on the south end of Blackfoot Pass and Cheyenne Trail.

Commissioner Scherer noted the Commission is in receipt of letters from neighbors opposing the project and asked Mr. Busyn if during the neighborhood meeting neighbors indicated which building pad location they preferred on Lot 2. Mr. Busyn responded that neighbors indicated they want the site to retain its forested look and maintain privacy. Busyn stated he is open to each option and would do whatever the Commission suggests with regard to Lot 2.

A discussion ensued on the sites steep slopes, grading, retaining walls and drainage with Commissioners acknowledging this site is unique because of the slopes and the natural wooded nature of the area. Commissioners stressed if approved careful attention needs to be paid to drainage to ensure site disruption doesn't negatively impact the site or the surrounding neighbors.

Chair Staunton opened the public hearing.

Public Hearing

The following residents addressed the Commission and spoke in opposition to the request by Great Neighborhood Homes to subdivide 6609 Blackfoot Pass into two (2) single dwelling unit lots.

T. Dev, 6804 Cheyenne Trail, Edina, MN

Charles and Liberta Ledder, 6709 Cheyenne Trail, Edina, MN

Tim Keane, attorney representing residents of Indian Hills

David Evinger, 4 Merilane, Edina, MN

James Schwender, 6700 Cheyenne Trail, Edina, MN

Pat Kreuziger, 6705 Cheyenne Trail, Edina, MN

William Lund, 6308 Indian Hills Road, Edina, MN

David Frauenshuh, 6401 Indian Hills Road, Edina, MN

Mary Swenson, 6617 Cheyenne Trail, Edina, MN

Residents that testified expressed the following:

- Residents indicated they purchased their homes in the Indian Hills neighborhood for the natural wooded nature of the area, its larger lots, winding roads and privacy.
- Residents of the area expressed the opinion that the “500-foot neighborhood” established by ordinance captures two completely different neighborhoods; and does not adhere to the original Indian Hills plat. The smaller residential suburban lots (east of the subject site) were included in the calculations skewing the outcome and negatively impacting the character of the area.
- The Planning Commission has the discretion to deny the preliminary plat based on character.
- The loss of existing vegetation and the disruption of the steep slopes would change the character of the lot and neighborhood even with the variance option on Lot 2.
- Residents acknowledged the two building pad options for Lot 2; one conforming and one requiring a variance, reiterating disruption would occur regardless.
- To provide new building pads there is the potential for construction of high retaining walls and also the potential for drainage problems as a result of building pad placement and grading of the site.
- Vehicle and pedestrian safety is important pointing out the streets in the area are winding and the street also curves along the subject site.
- Driveway placement is a concern; again because of the safety issue.

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

Mr. Busyn addressed the Commission and explained in providing two building pad locations for Lot 2 they felt it would make things better and create a better plat. Busyn said their goal is to pull the building pads away from the lot lines to ensure privacy and accommodate the proposed conservation strip. Continuing, Busyn reported that extensive soil testing was done to ensure that any redevelopment would improve the site not negatively impact it. Concluding, Busyn stated all testing supported the position that the site can accommodate two building pads.

Commissioner Scherer asked Planner Teague to clarify the action for this proposal. Planner Teague responded the Commission can recommend denial or approval, adding if the Commission recommends approval they need to stipulate what option they want for Lot 2; variance or no variance.

Commissioner Potts stated in his opinion due to multiple factors the subject site should remain one lot. Potts agreed with the observation that the Indian Hills neighborhood is different from the neighborhood to its east. Potts noted to redevelop this site too much disruption would occur. Vegetation would be loss and the site would require extensive grading and retaining

walls. Potts concluded as previously mentioned if approved the change to neighborhood character would be dramatic.

Commissioner Grabel pointed out the project as submitted meets subdivision ordinance requirements. Grabel said he also understands the property owners desire to maximize the real estate value of his property. With respect to trees it is difficult because at this time the City of Edina doesn't have a tree ordinance. Continuing, Grabel acknowledged that the character of the 500-foot neighborhood is varied. Concluding, Grabel said from the plans presented it appears Mr. Busyn attempted to mitigate the issues of drainage, tree loss etc. Grabel said he also appreciates Mr. Busyn limiting building height to 35-feet.

Commissioner Scherer stated this is a tough issue for the Commission; however, she continues to have concerns about drainage, tree loss, driveway safety, etc. Scherer said taking all things into consideration that she cannot support the request as submitted.

Commissioner Schroeder asked Planner Teague if the City defines neighborhood character. Planner Teague responded City ordinance doesn't define neighborhood character. Continuing, Schroeder said specific factors are unique to Indian Hills and if the Commission recommends approval of this request the essential character of Indian Hills would change.

Commissioner Forrest acknowledged she has been going back and forth with this proposal. She stated she agrees the City doesn't define neighborhood character; however, would the "sense" of place be compromised if approved. Forrest added she agrees that Mr. Busyn has given a lot of thought to this project; adding she could support the proposal with specific conditions. Concluding, Forrest said to would like to see more creativity in building plans.

Commissioner Fischer said when he views this project it appears to him that it's one lot for one structure. Fischer did acknowledge that neighborhood character can be changed one parcel at a time; however, the builder has an excellent reputation and he would hate to take a risk with another builder.

Motion

Commissioner Grabel moved to recommend preliminary plat approval based on staff findings and subject to staff conditions.

Motion failed for lack of second.

Commissioner Schroeder moved to recommend denial of the preliminary plat based on the findings that if approved the subdivision would render the lot out of character with the neighborhood. Commissioner Scherer seconded the motion. Ayes; Scherer, Schroeder, Potts, Fischer, Platteter, Forrest. Nay, Grabel, Staunton. Motion to deny carried 6-2.

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 19⁷3, 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, experienced 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.

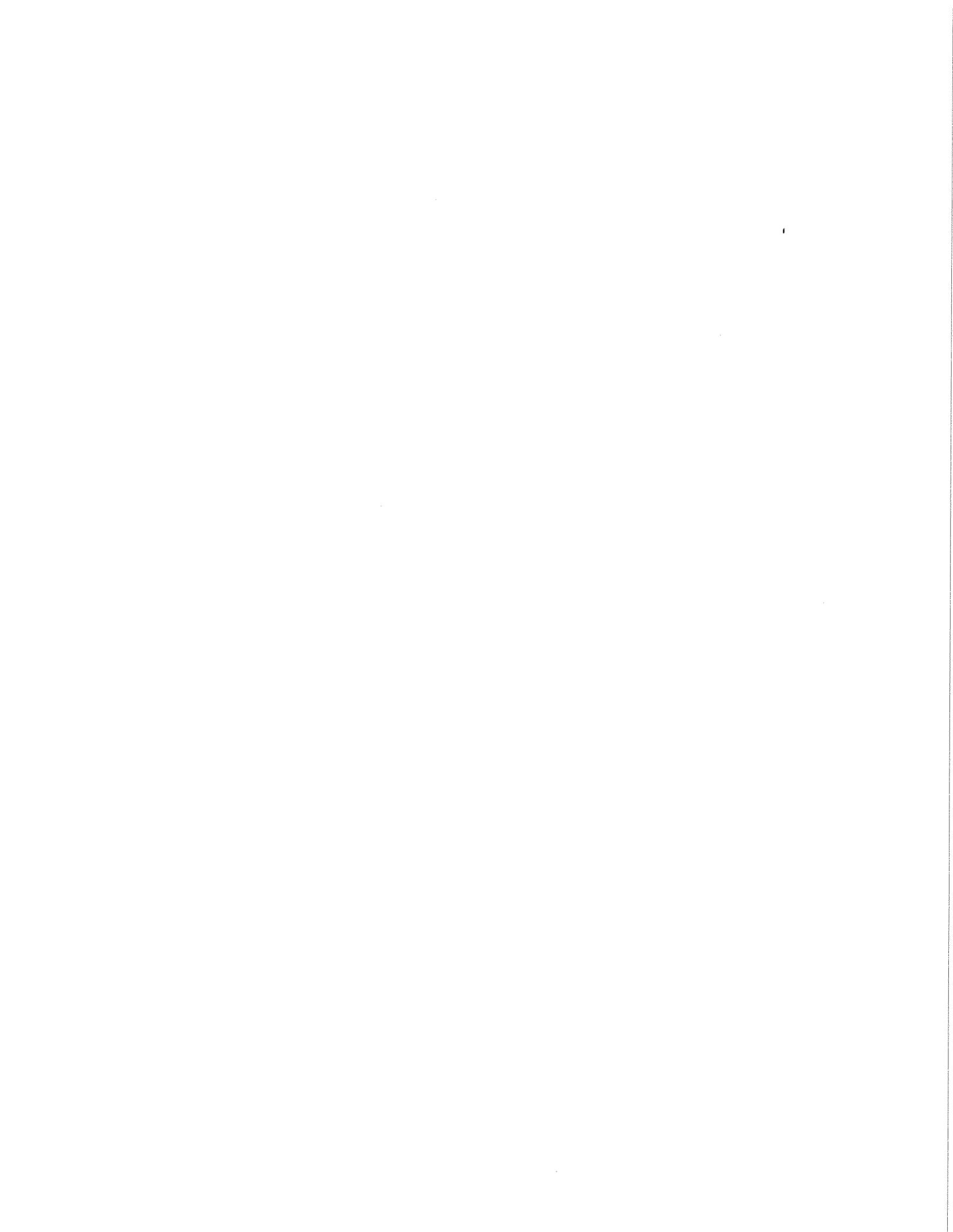
Peggy spent eight years and eight months at the Edina Care Center. I visited her twice a day seven days a week for all that time. I have not been out of the Twin Cities for 15 years. She died February 28, 2013. The nursing home had cost \$600,000 during that time. Add to that at least one hospital stay 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 neighbor's 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





PLANNING COMMISSION STAFF REPORT

Originator Cary Teague Director of Planning	Meeting Date September 11, 2013	Agenda # VI.B
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INFORMATION & BACKGROUND

Project Description

Great Neighborhood Homes Inc. on behalf of Douglas Johnson is proposing to subdivide the property at 6609 Blackfoot Pass into two lots. (See property location on pages A1–A3.) The existing home would be torn down, and two new homes built on the new lots. (See applicant narrative and plans on pages A4–A16.) The new home on Lot 1 would be located generally where the existing home is located. The home on Lot 2, would be located toward the street in an area away from the adjacent home to the south, to avoid large Oak trees and some of the steeper slopes on the site. (See page A14.)

To accommodate the request the following is required:

1. A subdivision;
2. Front yard setback variance from 100 feet to 45 feet for proposed Lot 2.

Both lots would gain access off Blackfoot Pass. Within this neighborhood, the median lot area is 27,131 square feet, median lot depth is 183 feet, and the median lot width is 146 feet. (See attached median calculations on page A16.) The new lots would meet the median width, depth, and lot size requirements. A new home could be built on Lot 2 without the need for a variance, however, in doing so some of the best trees on the site would be removed (large Oak trees); more slopes would be disturbed, and the home would be located much closer to the existing home at 6705 Cheyenne Trail. (See page A.)

Surrounding Land Uses

The lots on all sides of the subject properties are zoned and guided low-density residential.

Existing Site Features

The existing site contains a single-family home and attached garage. This lot is larger than most in the neighborhood, contains slopes with mature trees. (See pages A1, A2 and A11.)

Planning

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

Lot Dimensions

	Area	Lot Width	Depth
REQUIRED	27,131 s.f.	146 feet	183 feet
Lot 1	46,473s.f.	153 feet	268 feet
Lot 2	30,920 s.f.	150 feet	323 feet

As demonstrated above, the proposed subdivision would meet all minimum lot size requirements.

Grading/Drainage and Utilities

Grading and drainage plans specific to any proposed house would be reviewed at the time of building permit. Drainage from any new home, garage or driveway would have to be directed to Blackfoot Pass and Cheyenne Trail. Sewer and water are available to the site. Specific hook-up locations would be reviewed at the time of a building permit for each lot. A Nine Mile Creek Watershed District permit would also be required.

Primary Issue

- **Is the proposed Plat with a front Yard Setback Variance reasonable for this site?**

Yes. Staff believes that the proposed Plat with the front yard setback variance for Lot 2 is reasonable for the site for the following reasons:

1. Both of the proposed lots meet the City of Edina's minimum lot size requirements. (See above table.)

2. Building pads have been located on the site to cause the least amount of impact on the sites mature trees and slopes. (See page A14.)
3. The proposed building pad for Lot 2 would be located further away from the existing home at 6705 Cheyenne Trail, than would a code compliant home. (See pages A14–A15.)
4. The findings for a variance for the building pad for Lot 2 would be met.

Per state law and the Zoning Ordinance, a variance should not be granted unless it is found that the enforcement of the ordinance would cause practical difficulties in complying with the zoning ordinance and that the use is reasonable. As demonstrated below, staff believes the proposal meets the variance standards, when applying the three conditions:

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

Yes. Reasonable use does not mean that the applicant must show the land cannot be put to any reasonable use without the variance. Rather, the applicant must show that there are practical difficulties in complying with the code and that the proposed use is reasonable. "Practical difficulties" may include functional and aesthetic concerns.

The practical difficulty is caused by the existing high quality mature Oak trees and slopes located in the area where a code compliant building pad would be. (See pages A14–A15.) In addition, if a home were constructed in the code compliant building pad area, it would be located closer to the home at 6705 Cheyenne Trail. By moving the home on Lot 2 up closer to the street, it would not only preserve the mature Oaks and slopes, but also the vegetation that provides a natural screen between the two properties. (See page A14.) Staff would recommend requiring a conservation easement over the slope and Oak trees that are to be preserved to permanently preserve those resources.

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

The circumstances of the mature trees, slopes and proximity of the adjacent home to the south are not created by the applicant and are generally unique in the R-1 District.

Additionally, there is an extra area of green space within the right-of-way of Cheyenne Trail. This area is between 18-20 feet, which from the street would give the appearance of a greater front yard setback. A typical green space within the right-of-way is between 5-8 feet. Therefore, the home would be set 65 feet back from the edge of the paved roadway. (See page A14.)

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

No. The proposed building location at 45 feet from Blackfoot Pass and Cheyenne Trail would not alter the character of the neighborhood. The home at 6621 Cheyenne Trail has a front yard setback of 42 feet and 6624 Cheyenne Trail has a front yard setback of 45 feet. (See page A1a and A2.)

The applicant is also agreeable to not construct a home to maximize the height allowed by code. He would limit the total building height to 35 feet, when the code would allow a home to be 40 feet tall to the ridge line of the home.

Staff Recommendation

Recommend that the City Council approve the proposed two lot subdivision of 6609 Blackfoot Pass with a Front Yard Setback variance for Lot 2 from 100 feet to 45 feet from Blackfoot Pass and Cheyenne Trail. Approval is based on the following findings:

1. The proposed Plat meets all required standards and ordinances for a subdivision.
2. The subdivision would meet the neighborhood medians for lot width and depth and area.
3. The proposal meets the required standards for a variance, because:
 - a. The practical difficult unique to the property is caused by the large mature Oak trees and slopes on the east half of Lot 2 where a code compliant building pad would be located. These are natural conditions, not caused by property owner.
 - b. The requested variances are reasonable in the context of the immediate neighborhood. There are two homes with similar front yard setbacks at 6621 and 6624 Cheyenne Trail.

- c. There is 18-20 feet of green space in the right-of-way of Cheyenne Trail, which would result in a 65-foot setback from the edge of the paved roadway.
- d. The variance results in the saving of mature Oak trees, protection of slopes, and moves the home further away from the existing home at 6705 Cheyenne Trail.

Approval is subject to the following conditions:

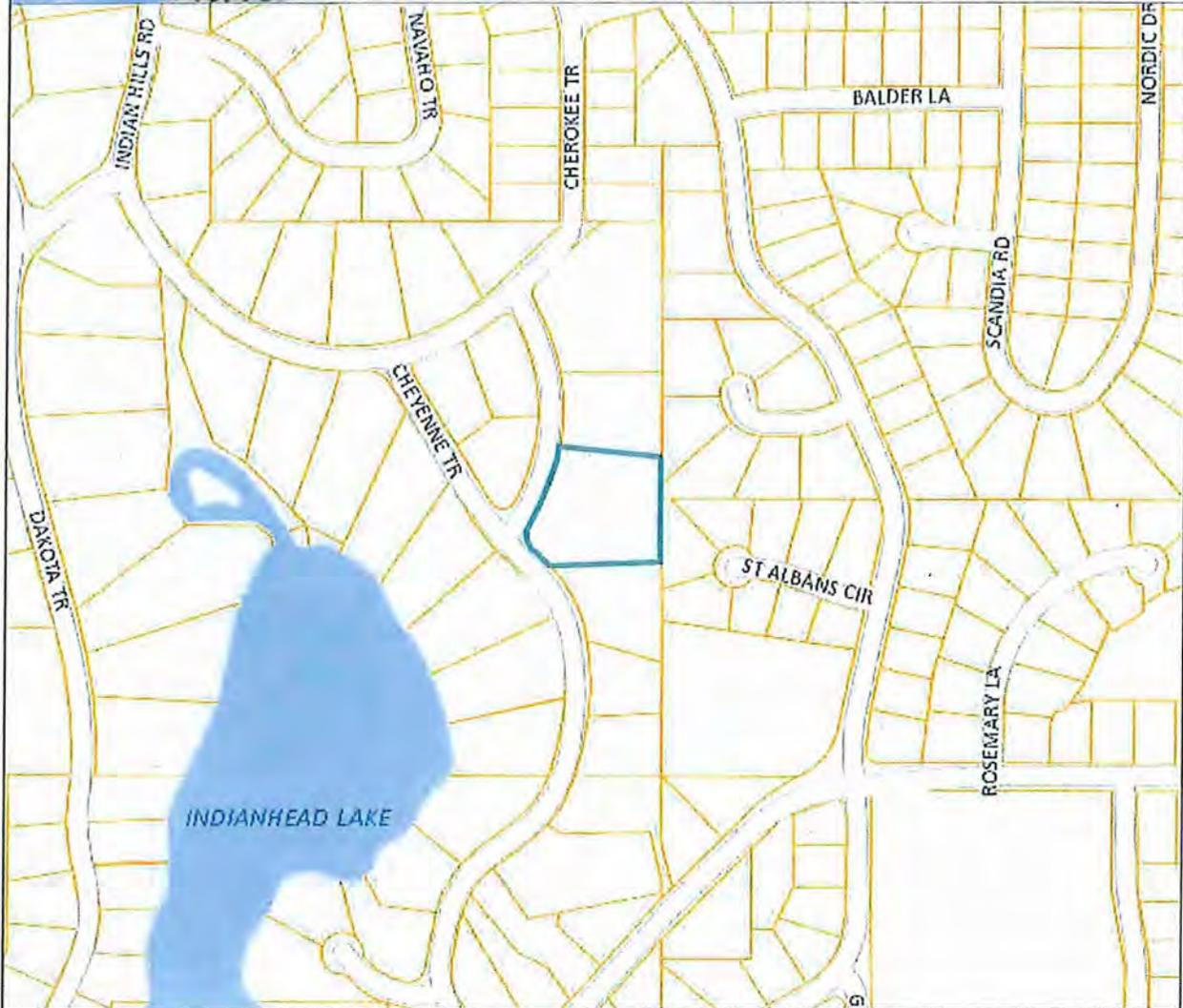
1. The city must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.
2. Prior to issuance of a building permit, the following items must be submitted:
 - a. If required, submit evidence of Nine Mile Watershed District approval. The City may require revisions to the preliminary plat to meet the district's requirements.
 - b. A curb-cut permit must be obtained from the Edina Engineering department.
 - c. Utility hook-ups are subject to review of the city engineer.
 - d. Grading and drainage plans specific to any proposed house would be reviewed at the time of building permit, and shall be subject to review and approval of the city engineer. Drainage from any new home, garage or driveway would have to be directed to the street.
3. Any new home on Lot 2 would be limited to a ridge line height of 35 feet.
4. A 10-foot conservation easement must be established along the lot lines to preserve the vegetation areas along the streets and along the north and south lot lines.
5. A slope and tree conservation easement must be placed over the large Oak trees and slope areas to be preserved by moving the home toward the street.

Deadline for a City Decision: November 4, 2013



**Interactive
Maps**

Property Map



Parcel ID: 06-116-21-42-0010

Parcel 6609 Blackfoot Pass
Address: Edina, MN 55439

Property Type: Residential

Home- stead: Homestead

Parcel Area: 1.76 acres
76,852 sq ft

Sale Code:

Map Scale: 1" ≈ 400 ft.

Print Date: 9/5/2013



This map is a compilation of data from various sources and is furnished "AS IS" with no representation or warranty expressed or implied, including fitness of any particular purpose, merchantability, or the accuracy and completeness of the information shown.

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Parcel ID: 06-116-21-42-0010
 Owner Name: D L Johnson Etal
 Parcel Address: 6609 Blackfoot Pass Edina, MN 55439
 Property Type: Residential
 Home-stead: Homestead
 Parcel Area: 1.76 acres 76,652 sq ft

Map Scale: 1" = 200 ft.
 Print Date: 9/5/2013



This map is a compilation of data from various sources and is furnished "AS IS" with no representation or warranty expressed or implied, including fitness of any particular purpose, merchantability, or the accuracy and completeness of the information shown.

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 Think Green!

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<p>Parcel ID: 06-116-21-42-0010</p> <p>Owner Name: D L Johnson Etal</p> <p>Parcel Address: 6609 Blackfoot Pass Edina, MN 55439</p> <p>Property Type: Residential</p> <p>Home-stead: Homestead</p> <p>Parcel Area: 1.76 acres 76,652 sq ft</p>	<p>Map Scale: 1" ≈ 100 ft.</p> <p>Print Date: 9/5/2013</p> 	<p>This map is a compilation of data from various sources and is furnished "AS IS" with no representation or warranty expressed or implied, including fitness of any particular purpose, merchantability, or the accuracy and completeness of the information shown.</p> <p>COPYRIGHT © HENNEPIN COUNTY 2013</p> 
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<p>Parcel ID: 06-116-21-42-0010</p> <p>Owner Name: D L Johnson Etal</p> <p>Parcel Address: 6609 Blackfoot Pass Edina, MN 55439</p> <p>Property Type: Residential</p> <p>Home-stead: Homestead</p> <p>Parcel Area: 1.76 acres 76,652 sq ft</p>		<p>Map Scale: 1" ≈ 50 ft.</p> <p>Print Date: 9/5/2013</p> <div data-bbox="1315 1438 1396 1533" style="text-align: center;"> </div> <p>This map is a compilation of data from various sources and is furnished "AS IS" with no representation or warranty expressed or implied, including fitness of any particular purpose, merchantability, or the accuracy and completeness of the information shown.</p> <p>COPYRIGHT © HENNEPIN COUNTY 2013</p> <p style="text-align: center;"> Think Green!</p>
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APPLICANT
NARRATIVE

From: Scott Busyn – Great Neighborhood Homes

To: Corey Teague
Community Development Director
City of Edina

Subject: Subdivision of 6609 Blackfoot Pass into Two Separate Lots

Date: July 17, 2013, **Revised September 3, 2013**

Please find the attached Subdivision Application for 6609 Blackfoot Pass. Great Neighborhood Homes will be purchasing this property from Mr. Douglas L. Johnson contingent upon obtaining a successful subdivision from the City.

It is our intention to subdivide the parcel into two separate lots, noted as Lot 1 and Lot 2 on the survey. Per the attached 500 foot area study, the subdivided lots will be above the mean lot size, width, and depth of the lots in the neighborhood. Upon obtaining approval, we will be building single family homes on each lot. The survey shows the potential building pads of each home.

The proposed building pad for Lot 1 will be close to the location of the exiting home on the site. We are adjusting the building pad to have a better presence on the lot (entry facing Blackfoot Pass) and to allow for better main floor exposure to the back yard (the current home has the first floor elevation at 927.0 feet and a lower level entry at 918.9 feet). The front setback of the home on Lot 1 is being proposed no closer than 53.5 feet from Blackfoot Pass. This is the average setback of the existing home at 6605 Blackfoot Pass and the proposed home on Lot 2 of 6609 Blackfoot pass. The first level floor height of the Lot 1 home will have a maximum elevation of 928. The proposed home will meet all other zoning requirements.

The proposed building pad for the Lot 2 will have a proposed front yard setback no closer than 45' from Blackfoot Pass and no closer than 45' from Cheyenne Trail. This is in character with other front yard setbacks in the neighborhood, specifically the two other homes at the intersection of Blackfoot Pass and Cheyenne Trail. 6621 Cheyenne Trail has a front yard setback of 42' and 6624 Cheyenne Trail has a front yard setback of 45'. Positioning the Lot 2 building pad in the proposed location will maximize the distance of the home from 6705 Cheyenne Trail, minimize the disruption of the >18% slope, and keep the new home away from the grove of oak trees in the rear of Lot 2. In addition, there is an existing opening on the natural forest where we are locating the driveway entrance (see exhibit A). The proposed home on Lot 2 will have a maximum first floor height of 901. This will allow adequate drainage around the home. The new home will meet all zoning setbacks except for the front setback.

We sent a letter out to all homeowners within 500' and held a neighbor meeting at the site on August 8th. The meeting was attended by the adjacent neighbors at 6605 Blackfoot Pass, 6601 Blackfoot Pass, 6621 Cheyenne Trail, and 6705 Cheyenne Trail. The feedback

from the meeting was that we do what we can to maintain the wooded look of the front and sides of the lot. There is also a stone retaining wall on the south end of the corner of Blackfoot Pass and Cheyenne Trail that the neighbors hoped we did not remove. Based on this feedback, we are proposing a 10' conservation easement to maintain the wooded look of the property from the street (see exhibit B and C). This easement is shown on the survey and will cover the north and south lot lines, as well as the front portions of the lot as shown on the survey. The only exceptions to this easement will be the driveway entrances for Lots 1 and Lots 2.

Please let me know if you have any questions about this application. I can be reached at 952-807-8765 or scott@greatneighborhoodhomes.com.

Thank you for reviewing this application.

SEP 09 2013
CITY OF MINNAPOLIS

6609 Blackfoot Pass Variance Application
Great Neighborhood Homes

SEP 05 2013
CITY OF EDINA

We are proposing a variance for the front yard setback for the proposed home on Lot 2 of 6609 Blackfoot Pass. As lot 2 is a corner lot, city ordinance requires the home to meet the front setbacks of 6605 Blackfoot Pass (62.0 feet) and 6705 Cheyenne Trail (100.9 feet). We are proposing a front setback of 45 feet from Blackfoot Pass and 45 feet from Cheyenne Trail.

The proposed variance will relieve practical difficulties in complying with the zoning ordinance for front setbacks on corner lots. Meeting the setback of the home at 6705 Cheyenne Trail (100.9 feet) would require the home to be built far back on the lot and into a steep slope (survey shows where position of home would be without a variance). Placing the home in this location would create the following practical difficulties:

1. The home would need to be built into a steep slope, requiring substantial retaining walls to access the rear yard.
2. The home would be built much closer to the neighbor at 6705 Cheyenne Trail. When I toured the site with her she much preferred the home be built further away.
3. Building the home here would be much more disruptive to the virgin forest and require the removal of many more mature oak trees than on the pad closer to the street.
4. The deeper location would require a much longer driveway, increasing the impervious surface on the site.
5. The home would have to be built at a much higher elevation and appear much taller from the street.
6. The home would block the natural drainage flow of the slope on Lot 2.
7. The homeowner would have minimal backyard without building a tall retaining wall.

The use of Lot 2 for building a home is a reasonable use of the property.

The proposed variance will correct the following extraordinary circumstances applicable to this property but not applicable to other properties in the vicinity:

1. Most lots in Indian Hills are not corner lots and thus do not need to meet the zoning requirements of 6609 Blackfoot Pass. In addition, other existing corner lots in Indian Hills do not have adjacent homes built as far back from the street as seen at 6705 Cheyenne Trail (see 6617 Cheyenne Trail, 6621 Cheyenne Trail, 6821 Cheyenne Trail, 6601 Blackfoot Pass, 6600 Blackfoot Pass, 6401 Indian Hills Road), or were built without having to meet the setbacks of both adjacent homes (see 6820 Cheyenne Trail,).
2. Allow for 45 foot front setbacks similar to adjacent properties at 6621 Cheyenne Trail (42 feet) and 6624 Cheyenne Trail (45 feet).

3. Allow for flat front and backyard area as is found on most homes in the area.

The proposed variance will be in harmony and intent of the zoning ordinance as follows:

1. I believe the ordinance for corner lots was written to avoid homes being built that would break up the streetscape on more dense urban, gridded streets. 6609 Blackfoot Pass is a very wooded site and the proposed home will be built almost 100 feet from the next closest home. The existing woods and our proposed conservation easement will prevent the proposed home from breaking up the streetscape.
2. Our proposed conservation easement and positioning of the driveway entrance will maintain the same streetscape that exists today. There is a natural opening in the forest where we are positioning the driveway entrance.

The proposed variance will not alter the essential character of the neighborhood as follows:

1. Our proposed conservation easements will maintain the wooded look of the property from the front streets as well as the adjacent neighbors.
2. As stated above, there are homes near the corner of Blackfoot Pass and Cheyenne Trail that have approximately 45' front setbacks.
3. Indian Hills is Edina's most eclectic neighborhood. There are no two lots that are alike as far as setbacks, position of the homes, etc. This variance is in character with the overall eclecticism of the neighborhood.

The building pad at the 45 foot front setback is a much more optimal location for the home. In addition, I can limit the building height to 35' if we build on this more level location.

Exhibit A
Natural Opening for Driveway

84



Exhibit B
Looking North From Lot on Blackfoot Pass



Exhibit C

Looking South on Lot on Cheyenne Trail /

K10



SITE ADDRESS: 6609 BLACKFOOT PASS
EDINA, MN 55439

PRELIMINARY PLAT FOR: GREAT NEIGHBORHOOD HOMES

126-13 REF: 31-13 128/63

Legend

- Fence
- SAN --- Sanitary Sewer
- o Manhole
- o Light Pole
- o Power Pole
- o Hydrant
- o Deciduous Tree
- o Concrete Club
- o Timber Retaining Wall
- o Keystone Retaining Wall
- o Proposed Retaining Wall
- x950.0 Existing Elevation
- 9500.00W Top of Wall Elevation
- 900 Existing Contour
- 900 Proposed Contour
- FYS Front Yard Setback
- SYR Side Yard Setback
- RYR Rear Yard Setback

- o Dimes Iron Monument Found
- o Dimes Sta. 1/2" = 1' Iron Pipe w/ Plastic Cap Inside R.L.S. 15230.

EXISTING PLOTS AND ELEVATIONS
 Lot Area = 71,417 SF
PROPOSED SURFACE:
 Home = 2,347 SF
 Deck Area 150 SF Above = 428 SF
 Concrete Around Pool = 715 SF
 Total = 3,530 SF
 = 4.5%

6609 BLACKFOOT PASS EXISTING ELEVATIONS:
 FIRST FLOOR = 917.6
 LOWER ENTRY = 918.9
 TOP OF BLOCK = 918.4
 GARAGE FLOOR = 918.0

PROPOSED LOT AREAS:

Proposed Lot 1 = 45,473 SF or 1.07 Acres
 W90 (at 50' Setback) = 153.8 FL
 Depth = 288.0 FL

Proposed Lot 2 = 26,920 SF or 0.71 Acres
 W90 (at 50' Setback) = 156.1 FL
 Depth = 323.6 FL

FRONT YARD SETBACKS FROM HEAVY LOTS:

6605 BLACKFOOT PASS = 62.0'
 6621 CHEYENNE TRAIL = 42.0'
 6623 CHEYENNE TRAIL = 45.0'

PROPERTY DESCRIPTION:

Lot 4, Block 3, BROWN HILLS,
 Hennepin County, Minnesota.

BENCHMARK:

Edna 503
 TBM on the West Side of Cheyenne Tr. Between
 #1704 and #1703. Elevation = 891.08.

NOTE:

No Search Was Made For Any Encumbrances.
 The location of all utilities shown are from plans furnished by the utility companies and are approximate. Utility companies should be notified for exact location before doing any excavation.

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.

W. BROWN LAND SURVEYING, INC.

Woodrow A. Brown, R.L.S., MN REG 15230
 Woodrow A. Brown, R.L.S., MN REG 15230

Date: 03-01-2013

REQUIREMENT OF SPACE FOR OVER AFFRONT BY PERMITS CONSTRUCTION

CLASSIFICATION: LOT 1 & 2

Lots 1 & 2 Square Footage of Grade 18% or Over = 50,801 SF

Total Square Footage Affected Lots 1 & 2 w/ Lot 2 Home Positioned at 45' Front Setback (Minnesota Required) = 11,815 SF or 23.0%

Total Square Footage Affected Lots 1 & 2 w/ Lot 2 Home Positioned at 100.0' Front Setback (Minnesota Required) = 13,501 SF or 26.6%

Minimum of 25% Allowable

PROPOSED HOME LOT 1:

First Floor = 923.0

Lower Entry = 918.9 (Existing Home = 918.9)

Home Will Meet all Zoning Requirements

PROPOSED HOME LOT 2 WITH 45' FRONT SETBACK (PROPOSED UNPAVED):

First Floor = 901.0

First Floor Maximum = 35' Above Existing Grade (Code Allow 40')

Home Will Meet all Zoning Requirements

PROPOSED HOME LOT 2 WITH 100.0' FRONT SETBACK (EXEMPT NO VARIANCE):

First Floor = 913.0

First Floor Maximum = 40' Above Existing Grade

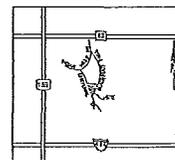
Home Will Meet all Zoning Requirements

6

NOT TO SCALE

VALLEY ESTATES
 VALLEY ADDITION
 ST. ALBANS
 ADDITION

VICINITY MAP



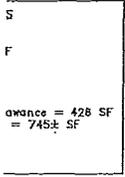
W. BROWN LAND SURVEYING, INC.
 8030 Cedar Avenue So., Suite 210,
 Bloomington, MN 55425
 Email: (952) 854-4055
 Fax: (952) 854-4266

Drawn by: 126-13
 Date: 03-01-2013
 Scale: 1 inch = 20 Feet
 1 of 1

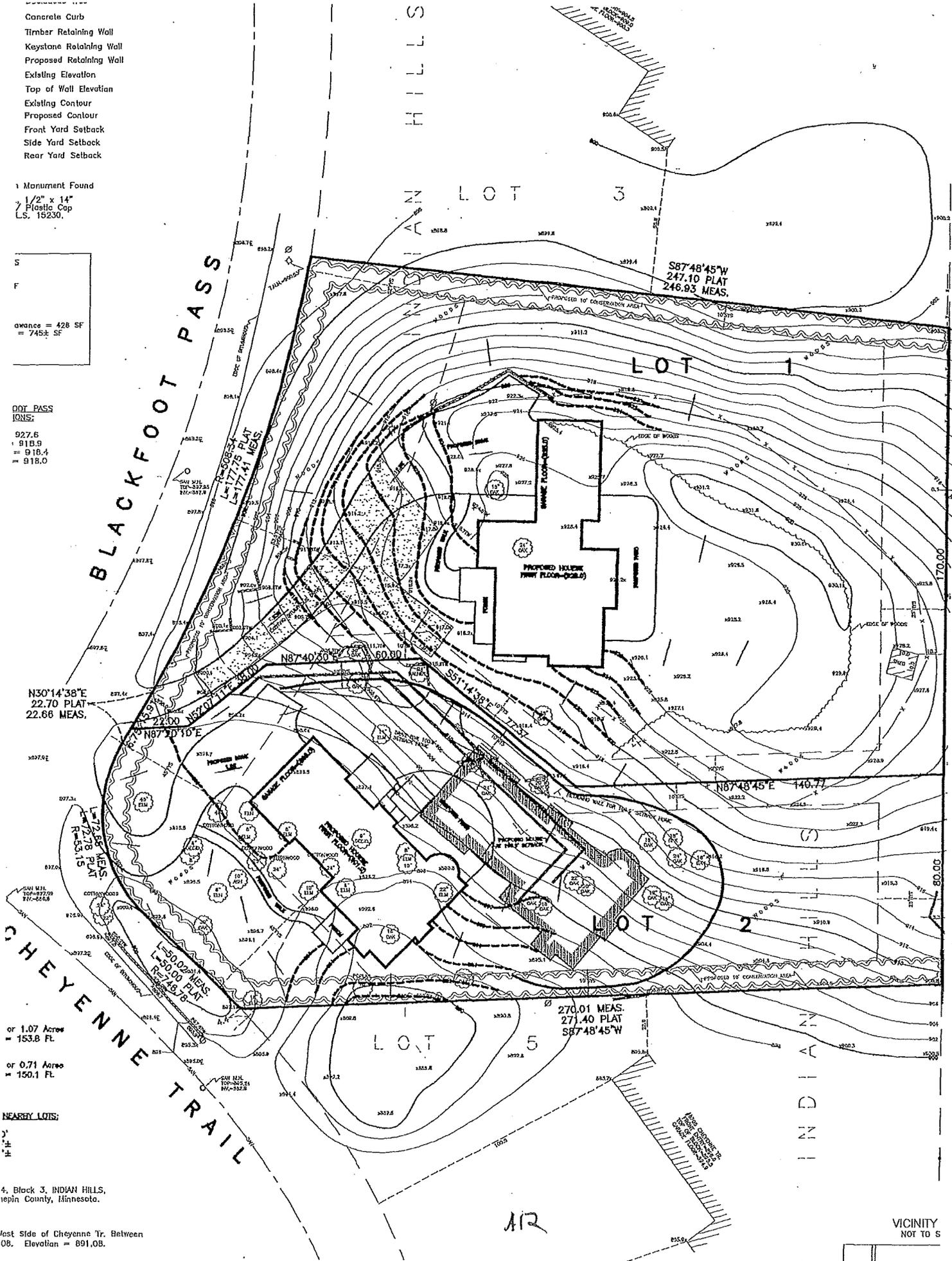
All

- Concrete Curb
- Timber Retaining Wall
- Keystone Retaining Wall
- Proposed Retaining Wall
- Existing Elevation
- Top of Wall Elevation
- Existing Contour
- Proposed Contour
- Front Yard Setback
- Side Yard Setback
- Rear Yard Setback

1 Monument Found
 1/2" x 14"
 Plastic Cap
 L.S. 15230.



DOT PASS
 IONS:
 927.6
 918.9
 918.4
 918.0



or 1.07 Acres
 = 153.8 FL

or 0.71 Acres
 = 150.1 FL

NEARBY LOTS:

1
 2
 3

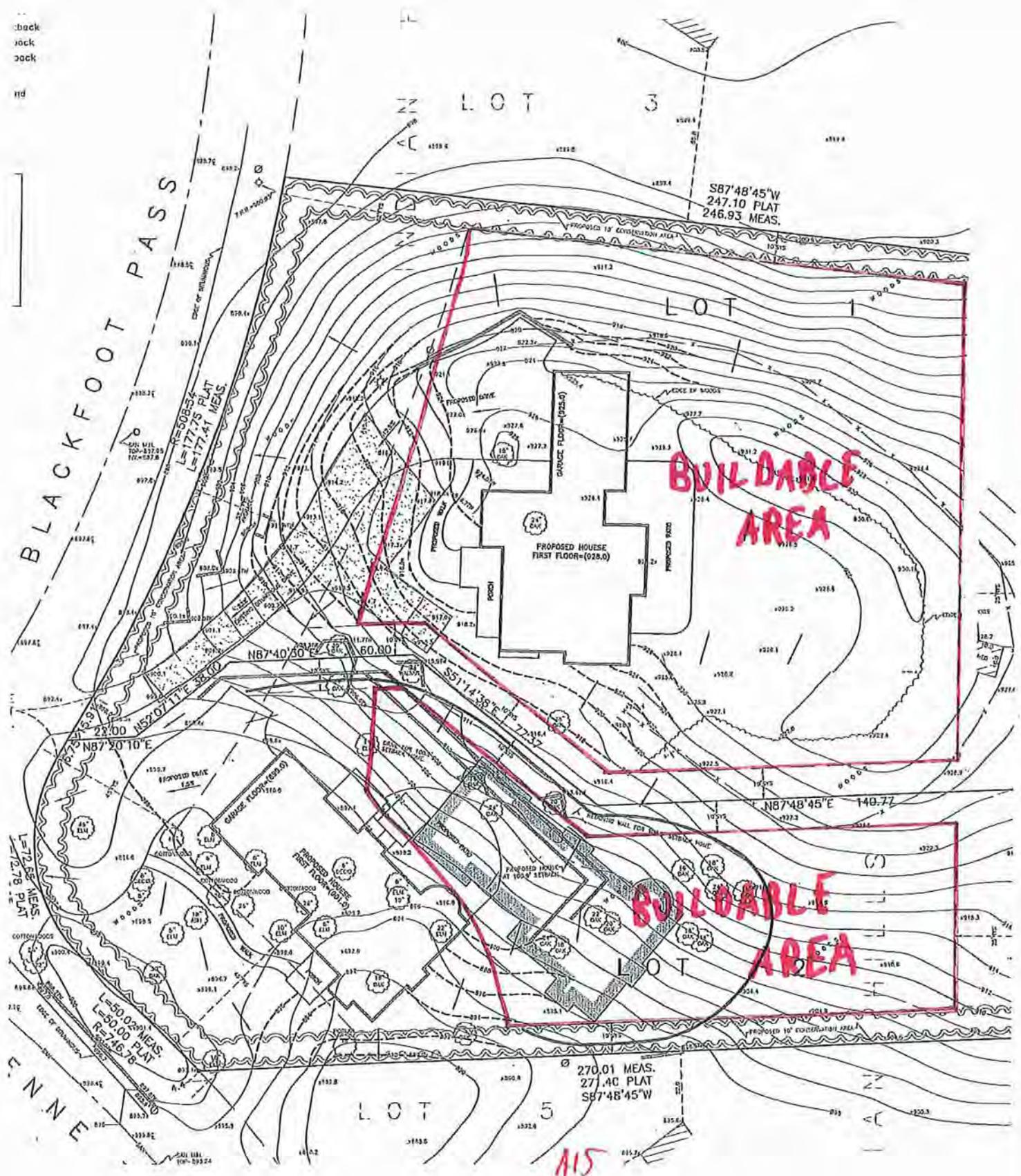
4. Block 3, INDIAN HILLS,
 Iepin County, Minnesota.

East Side of Cheyenne Tr. Between
 08. Elevation = 891.08.

112

VICINITY
 NOT TO S

back
jack
jack
rid



S87'48'45"W
247.10 PLAT
246.93 MEAS.

**BUILDABLE
AREA**

**BUILDABLE
AREA**

270.01 MEAS.
271.40 PLAT
S87'48'45"W

A15

CORRESPONDENCE
6609
BLACKFOOT PASS

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 19⁷3, 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.

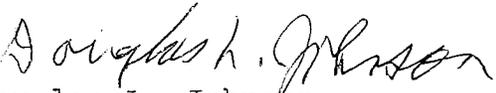
Starting in 1990 I noticed some changes in my wife's health. She became sensitive to moderate heat, became unsteady on her feet, experience forgetfulness and other things. In 1995 after several doctors and numerous tests she was diagnosed with primary progressive MS. This is the less common type. It 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

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 8th 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

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

Deb Mangen

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

--

Tara

email: taradev@gmail.com

cell: 612.227.7711

Cary Teague

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

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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

--

Tara

email: 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

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

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

952-826-0461 | Fax 952-826-0389

KAaker@EdinaMN.gov | www.EdinaMN.gov/Planning

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

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

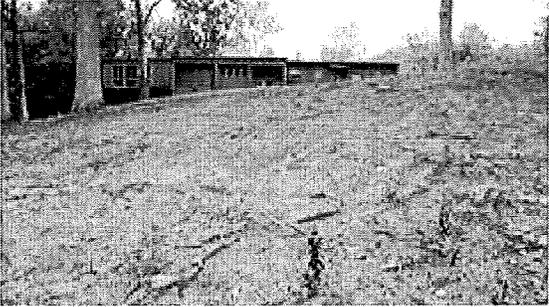
My husband Dean and I live at 6617 Cheyenne Trail, two houses away from the proposed subdivision. We are totally and firmly against this subdivision for the following reasons.

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.

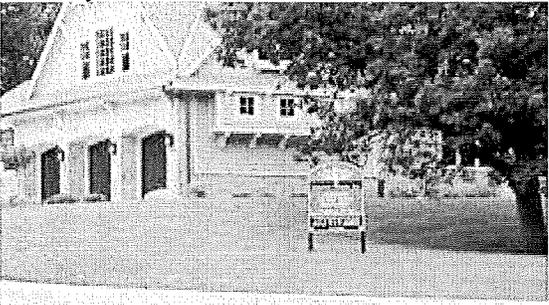
Here are some photos I took while on a walk through the neighborhood to show how some lots are being destroyed



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

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 | www.EdinaMN.gov/Planning
...For Living, Learning, Raising Families & Doing Business

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

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

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 | 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

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 | www.EdinaMN.gov/Planning

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

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.

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

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

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 .

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

Cary Teague

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

MALKERSON GUNN MARTIN LLP

1900 U.S. BANK PLAZA SOUTH TOWER
220 SOUTH SIXTH STREET
MINNEAPOLIS, MINNESOTA 55402
TELEPHONE 612-344-1111
FACSIMILE 612-344-1414

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. 50th 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

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

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

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

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 savanaugh 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

Deb Mangen

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 Commision 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 an 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

>

>

Deb Mangen

From: Bert Ledder <lsledger@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 8th 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

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

From: Bert Ledder <lsledger@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. 50th 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

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

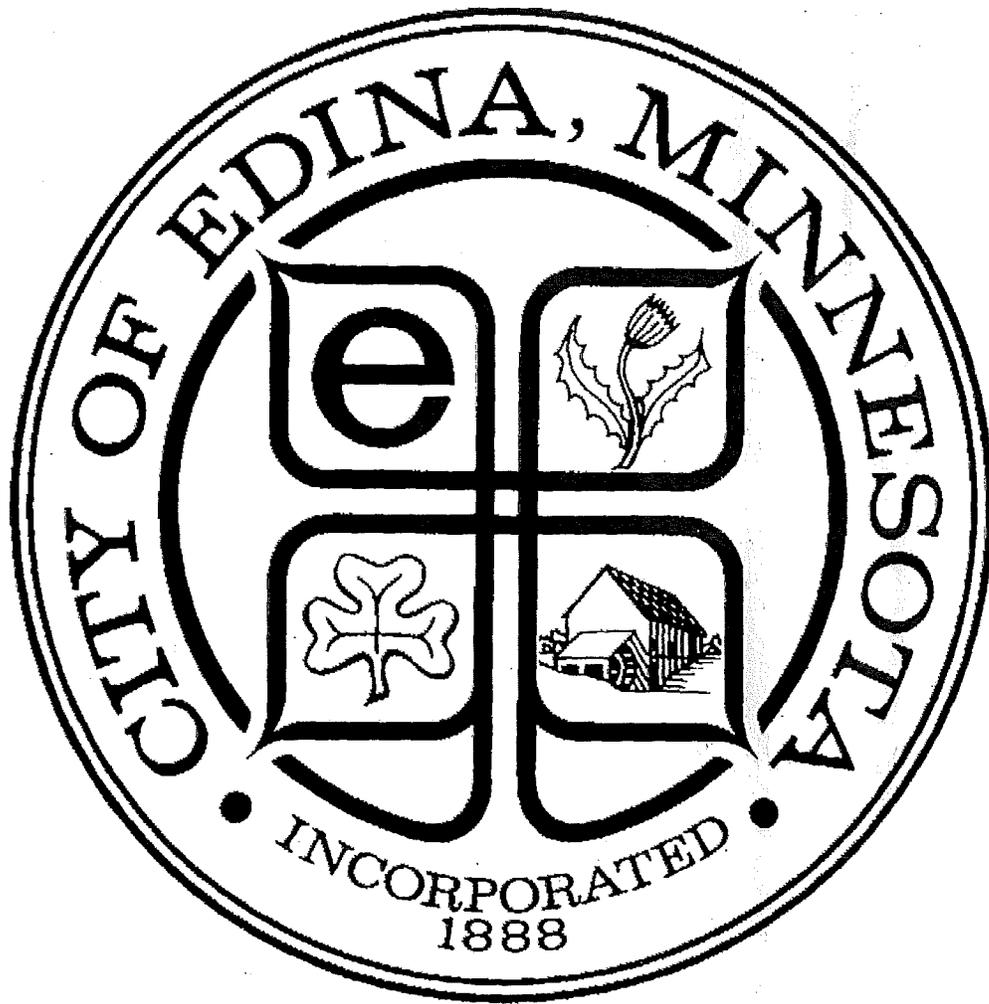
Honorable Mayor and City Council members

Please find attached a Petition circulated just 3 nights supporting our stance on the Opposition of the Proposed Subdivision of 6609 Blackfoot Pass. We have had only one person who refused to sign this petition, the owner of 6808 Cheyenne Trail, the home built by the same Developer who is requesting subdivision. **ALL** other neighbors in the 500 foot radius have signed this petition including neighbors who where home on St. Albans Circle and Gleason Terrace. We also had others in the neighborhood who opposed this subdivision. Please strongly consider this Petition as you make your decision.

Thank you.

A handwritten signature in cursive script, appearing to read "Bert Ledder".

Bert Ledder
6709 Cheyenne Trail
Edina, MN 55439



The City Council
City of Edina

Petition



City of Edina, Minnesota
 CITY COUNCIL
 4801 West 50th Street • Edina, Minnesota 55424
 (952) 927-8861 • (952) 927-7645 FAX • (612) 927-5461 TDD

DATE RECEIVED:
 9-26-13 *gt*

PETITION TO THE CITY COUNCIL

- | | | |
|---|--|---|
| <input type="checkbox"/> SIDEWALK | <input type="checkbox"/> ALLEY PAVING | <input type="checkbox"/> WATER MAIN |
| <input type="checkbox"/> STORM SEWER | <input type="checkbox"/> SANITARY SEWER | <input type="checkbox"/> STREET LIGHTING |
| <input type="checkbox"/> CURB AND GUTTER ONLY | <input type="checkbox"/> PERMANENT STREET SURFACING WITH CURB AND GUTTER | <input checked="" type="checkbox"/> OTHER: <u>See Below</u> |

To the Mayor and City Council:

The persons who have signed this petition ask the City Council to not approve Subdivision of 6609 Blackfoot Pass.

LOCATION: 6609 Blackfoot Pass, Edina Minnesota 55439

- No Subdivision of property

PROPERTY OWNER'S SIGNATURE	OWNER'S NAME (PRINTED)	PROPERTY ADDRESS (PRINTED)
<i>Lynn M. Laaksonen</i>	LYNN M. LAAKSONEN	6404 INDIAN HILLS RD.
<i>Kay W. Laaksonen</i>	Kay W. Laaksonen	6404 Indian Hills Rd
<i>Mary Swanson</i>	Mary Swanson	6617 Cheyenne Tr
<i>Dean Swanson</i>	Dean Swanson	6609 Cheyenne Tr
<i>Kristin Wilkowske</i>	Kristin Wilkowske	6609 Cheyenne Tr

This petition was circulated by:

Bert Ledder 6709 Cheyenne Trail 952-941-9083
 NAME ADDRESS PHONE

There is space for more signatures on the back.

PROPERTY OWNER'S SIGNATURE	OWNER'S NAME (PRINTED)	PROPERTY ADDRESS (PRINTED)
	Jewel Lalim	6600 Blackfoot Pass
	MARC Stogquist	6713 Cheyenne Tr
	PAUL F. STEPMAKER	6820 Cheyenne TRAIL
	Patricia Kreuziger	6705 Cheyenne Trail
	Kathryn E Dusenbery	6605 Blackfoot Pass 55439
	SUSAN BRUNN	6601 BLACKFOOT PASS 56439
	JAESANG OH	6312 Indian Hills Rd
	SUBIN LEE	6312 Indian Hills Rd
	V Krauch	6805 Cheyenne Tr
	John Voh	6409 Indian Hills Rd.
	Andrew Casperman	6409 Indian Hills Rd.
	MARE KATAL	6421 Indian Hills Rd
	Stefanie Meyer	6416 Indian Hills Rd
	Kelly A Jungels	6400 Indian hills Rd
	David D Rowland	6605 Dakota Trail
	Jennifer Rowland	6601 & 6605 Dakota Tr.
	Marie Amado	6216 ST. Albans Circle
	Luciano Amado	6116 St. Albans Circle
	Kelly Cardan	6209 St. Albans Circle
	Mary M. Sampson	6612 Gleason Terrace
	John E. Sampson	6612 Gleason Terrace

This petition was circulated by:

	6709 Cheyenne TRAIL	952-941-9083
NAME	ADDRESS	PHONE

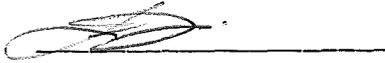
The Minnesota Data Practices Act requires that we inform you of your rights about the private data we are requesting on this form. Under the law, your telephone number is private data. This petition when submitted will become public information. There is no consequence for refusing to supply this information.

You may attach extra pages with signatures.

PROPERTY OWNER'S
SIGNATURE

OWNER'S NAME
(PRINTED)

PROPERTY ADDRESS
(PRINTED)



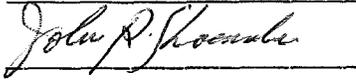
TARA DEV

6804 Cheyenne Trail, Edina



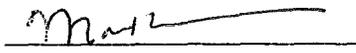
SUNDEEP DEV

6804 Cheyenne Trail Edina



JOHN R. STOECKER

6820 Cheyenne Trail, Edina

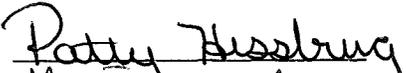


Mark Wilkowske

6621 Cheyenne Trail Edina

Mrs Mrs. b.w Smith DW & Annette Smith

6624 Cheyenne

 Patricia Hessburg

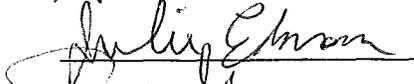
6533 Cherokee Trail

 MARIAN & PHIL JOHNSON

6801 PAULTE DR

 RICHARD O. ANDERSON, MD

6317 Loch Mook Drive



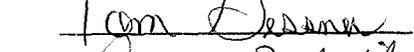
Julie Edman

6141 Arct & way



Tat Gessner

6605 Troquois Tr



Tom Gessner

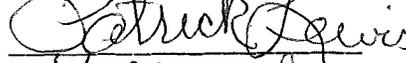
6605 Troquois Tr

Anne Miller ANNE MILLER

6812 Cheyenne Circle

ELDON MILLER ELDON MILLER

6812 Cheyenne Circle

 Patrick Lewis

6821 Cheyenne St.

Kathy Lewis Kathy Lewis

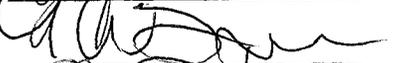
6821 Cheyenne St.

Afira Hasan Afira Hasan

6820 Cheyenne Circle

Jafar Hasan Jafar Hasan

6820 Cheyenne Circle

 THOMAS W. FOYER

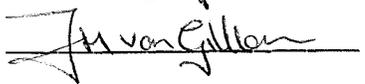
6824 VALLEY VIEW RD

ELSE FOYER ELSE FOYER

6824 VALLEY VIEW RD

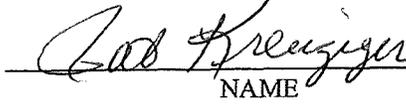
 Janet von Gillern

6617 Iroquois Trail, Edina

 Jeff von Gillern

6617 Iroquois Trail, Edina

This petition was circulated by:



NAME

6705 Cheyenne St

ADDRESS

952 944-2828

PHONE

The Minnesota Data Practices Act requires that we inform you of your rights about the private data we are requesting on this form. Under the law, your telephone number is private data. This petition when submitted will become public information. There is no consequence for refusing to supply this information.

You may attach extra pages with signatures.

PROPERTY OWNER'S
SIGNATURE

OWNER'S NAME
(PRINTED)

PROPERTY ADDRESS
(PRINTED)

Christine Crary
BC

Christine Crary
Brad Crary

6936 Valley View Rd.
69

James Schwenden

James Schwenden

6700 Cheyenne Trail

Vivian McDonald

VIVIAN McDONALD

6620 CHEYENNE TR.

Robert McDonald

ROBERT McDONALD

6620 CHEYENNE TR.

Wm. Lund

Wm. Lund

6308 Indian Hills Rd

Katie Lund

Katie Lund

6308 Indian Hills Rd

This petition was circulated by:

Bert Ledder

NAME

6709 Cheyenne Trail

ADDRESS

952-941-9083

PHONE

The Minnesota Data Practices Act requires that we inform you of your rights about the private data we are requesting on this form. Under the law, your telephone number is private data. This petition when submitted will become public information. There is no consequence for refusing to supply this information.

You may attach extra pages with signatures.

Jackie Hoogenakker

From: kspw1@aol.com
Sent: Tuesday, October 08, 2013 2:20 PM
To: Jackie Hoogenakker
Subject: Fwd: Subdivision Indian Hills

-----Original Message-----

From: Kristin Wilkowske <kspw1@aol.com>
To: jonibennett12 <jonibennett12@comcast.net>
Cc: jonibennett12 <jonibennett12@comcast.net>
Sent: Tue, Sep 24, 2013 1:27 pm
Subject: Subdivision Indian Hills

Good afternoon Mayor Hovland,

My name is Kristin Wilkowske and my husband and 3 children live at 6621 Cheyenne trail across from the proposed subdivision on Blackfoot pass. I am writing to say that I am opposed to such division for various reasons. First off, we moved from Eden Prairie to Edina (almost 8 years ago) to Indian Hills to live in a more private, wooded area where are neighbors weren't on top of one another (like in our development on Shetland road in EP). We were drawn and still are to the beautiful nature and mature trees. We feel very fortunate and blessed to live in our home with our surroundings neighbors, now friends. I am worried that by making a subdivision we will be changing that very character of our neighborhood. The very thing that brought us to Indian hills. I am all in favor of building another lovely home onto the lot, but am hoping it could be one rather than two homes. I know the law constitutes the 500 ft. median, but I ask to challenge this law. If not for this subdivision, then the next and our future neighborhoods. We will have neighborhoods that keep getting smaller and smaller and soon we, Indian Hills will look just like every neighborhood. Again, I respect the law as being our governing body... So with that note, when this lot is divided the character of our neighborhood will be altered, and not for the better in my belief. There will be many trees taken down with potential after effects (as in water and soil erosion and flooding to neighbors). Obviously I can't speak knowingly of these matters, but it seems to me the integrity of property will be challenged. I do know, Mrs. Pat Kreiziger had several water issues after the St. Albans division back in 1980's. I think that is why I worry there could be a change in the environment. If water drainage happened after one subdivision with every intent for it not to happen, who is to say it won't happen again to Pat. I am certain Mr. Busyn has every intent and has put great thought and detail to all of his planning. I still worry that it won't be enough. And by the time drainage issues are a problem, it will be too late. All of the trees and vegetation will be gone and we will have retaining walls. Again, I challenge the 500ft. median! (Had we not had that darn thing, I wouldn't be taking up your time!) I appreciate your time in reading this letter. I also want to thank Josh Sprague, Mary Brindle, and Joni Bennett from taking time out of their busy schedules to look at Mrs. Pat's property. I want to challenge this law if it can not be for now, then for the next person. The character of Indian hills will be changed by this subdivision. For that, I am sad.

Respectfully,
Kristin Wilkowske
Mark Wilkowske

Jackie Hoogenakker

From: jjlalim@comcast.net
Sent: Monday, October 07, 2013 11:28 AM
To: jjlalim@comcast.net
Cc: Jackie Hoogenakker
Subject: Subdivision

This letter is regarding the subdivision of 6609 Blackfoot Pass, Edina. My property is: 6600 Blackfoot Pass, Edina.

As can be seen in an old Indian Hills Directory, there is a boundary map of this area drawn by a Hennepin County Surveyor, Mr. Peterson. Let's preserve this beautiful community of well designed homes, large lots, winding roads, mature trees and thick foilage. It is my understanding that there are restrictions that apply to Indian Hills. Please do not ignore their importance in protecting the beauty and value of our neighborhood.

Indian Hills is a small unique established community that helps make Edina look good. I object to the subdivision of the property at 6609 Blackfoot Pass, Edina.

Respectfully,
Jewel Lalim

Jackie Hoogenakker

From: jjlalim@comcast.net
Sent: Wednesday, October 09, 2013 2:15 PM
To: Edina Mail
Cc: Jackie Hoogenakker
Subject: Subdivision

This letter is regarding the subdivision of 6609 Blackfoot Pass, Edina. My property is: 6600 Blackfoot Pass.

As can be seen in an old Indian Hills Directory, there is a boundary map of this area and each lot drawn by a Hennepin County Surveyor, Mr. Peterson. Let's preserve this beautiful community of well designed homes, large lots, winding roads, mature trees and thick foliage. It is my understanding that there are covenants that apply to Indian Hills. Please do not ignore them and their importance in protecting the beauty and value of our neighborhood.

Indian Hills is a small unique established community. I object to the subdivision of the property at 6609 Blackfoot Pass, Edina.

Respectfully,
Jewel Lalim