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Date: January 23, 2013

To: Planning Commission

From: Cary Teague, Community Development Director

Re: Acres Dubois – “Sketch Alternatives”

Based on the direction of the Planning Commission at its December 12, 2012 meeting, the applicant, Peter Knaeble, on behalf of Frank Sidell, has created three (3) subdivision alternatives for the property located in between Littel Street and Morningside Road. (See property location on pages A1–A5 and subdivision alternatives on pages A6–A8.) The original proposal and code compliant plat are included as a reference on pages A9–A10.

The applicant is asking for Planning Commission feedback and comment on each of the alternative plans. The Planning Commission feedback and alternatives would then be presented to the City Council at their February 5, 2013 meeting. Based on the feedback given to the applicant by the Planning Commission and City Council, the applicant then would revise their original application plans, to be presented at public hearings held by the Planning Commission in March, and City Council in April.

Included at the back of this memo are emails and letters that have been submitted by residents in the area that have provided comments on the proposed alternatives.

The tables on the following pages demonstrate how each of the alternative subdivision proposals complies with the Zoning Ordinance standards of the R-1, Single Dwelling Unit District.



Option A

	Area	Lot Width	Depth Depth
<u>REQUIRED</u>	<u>9,606 s.f.</u>	<u>75 feet</u>	<u>161 feet</u>
Lot 1	13,779 s.f.	60 feet	225 feet
Lot 2	9,230 s.f.	65 feet	142 feet
Lot 3	7,810 s.f.	55 feet	142 feet
Lot 4	7,324 s.f.	60 feet	122 feet
Lot 5	7,123 s.f.	55 feet	130 feet
Lot 6	9,001 s.f.	65 feet	123 feet
Lot 7	15,560 s.f.	67 feet	200 feet
Lot 8	16,047 s.f.	94 feet	140 feet
Lot 9	12,170 s.f.	90 feet	135 feet
Lot 10	23,289 s.f.	122 feet	179 feet

19 Variances Required

Option B

	Area	Lot Width	Depth
<u>REQUIRED</u>	<u>9,606 s.f.</u>	<u>75 feet</u>	<u>161 feet</u>
Lot 1	8,520 s.f.	60 feet	142 feet
Lot 2	7,100 s.f.	50 feet	142 feet
Lot 3	7,810 s.f.	55 feet	142 feet
Lot 4	7,324 s.f.	60 feet	165 feet
Lot 5	7,123 s.f.	55 feet	140 feet
Lot 6	9,001 s.f.	65 feet	123 feet
Lot 7	15,560 s.f.	67 feet	200 feet
Lot 8	16,047 s.f.	94 feet	140 feet
Lot 9	12,170 s.f.	90 feet	135 feet
Lot 10	23,289 s.f.	122 feet	179 feet

21 Variances Required



Original Plan – With Revision

	Area	Lot Width	Depth
<u>REQUIRED</u>	<u>9,606 s.f.</u>	<u>75 feet</u>	<u>161 feet</u>
Lot 1	12,117 s.f.	75 feet	162 feet
Lot 2	12,117 s.f.	75 feet	162 feet
Lot 3	12,148 s.f.	75 feet	162 feet
Lot 4	10,744 s.f.	82 feet	120 feet
Lot 5	18,169 s.f.	83 feet	179 feet
Lot 6	14,533 s.f.	94 feet	140 feet
Lot 7	12,170 s.f.	90 feet	135 feet
Lot 8	23,289 s.f.	122 feet	179 feet

3 Variances Required

While there are a significant number of variances that would be required for each of the two alternatives; these proposed lots however, are generally similar in size to existing lots in this area. As mentioned with the original proposal, the median lot size in this area is 9,606 s.f. and the median lot width is 50 feet.

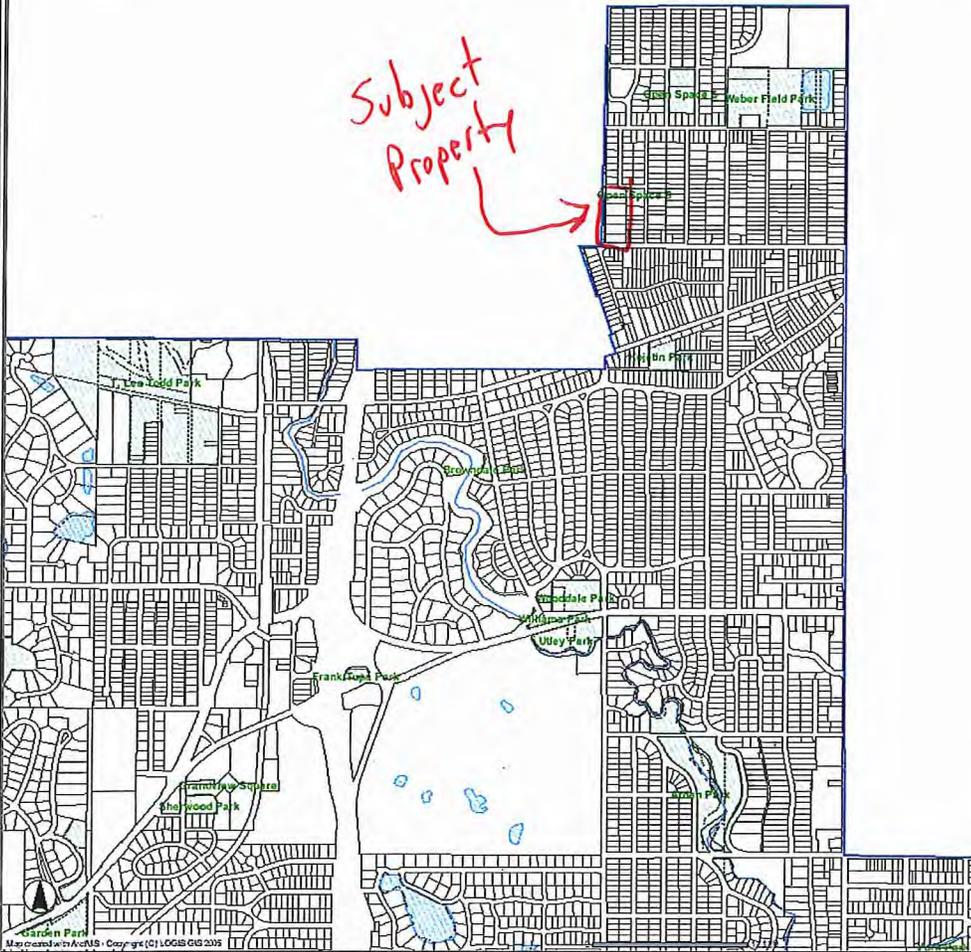
Please note that the revision to the original plant in this option is that the right-of-way has been reduced from 50 to 40 feet wide, and the street width has been narrowed from 28 feet to 24 feet. (See page A8.)

The City’s public works director has expressed concern over the pervious pavers located at the end of the cul-de-sac. A vacuum street sweeper would be required for proper maintenance; and the City does not have that type of equipment.

The City’s fire chief has indicated a preference of at least a 24-foot wide street to enable their equipment to be able to turn around and get through during the winter months. A portion of the 24-foot wide street could however be shared with a 6-foot sidewalk designation. With a 24-foot wide street, the homes would have to be constructed with sprinkler systems, and parking would only be allowed on one side of the street. If this road were a private street, the Fire Code would require a minimum street width of at least 20-feet.

City of Edina

- Legend**
- City Limits
 - Creeks
 - Lakes
 - Parks
 - Parcels



PID: 0702824420094

**4412 Morningside Rd
Edina, MN 55416**



City of Edina



- Legend**
- Surrounding House Number Labels
 - House Number Labels
 - Street Name Labels
 - City Limits
 - Building Footprints
 - Creeks
 - Lake Names
 - Lakes
 - Parks
 - Parcels

ST. LOUIS PARK

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City of Edina



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ST. LOUIS PARK

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Edina, MN 55416

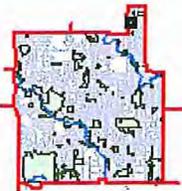


City of Edina



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

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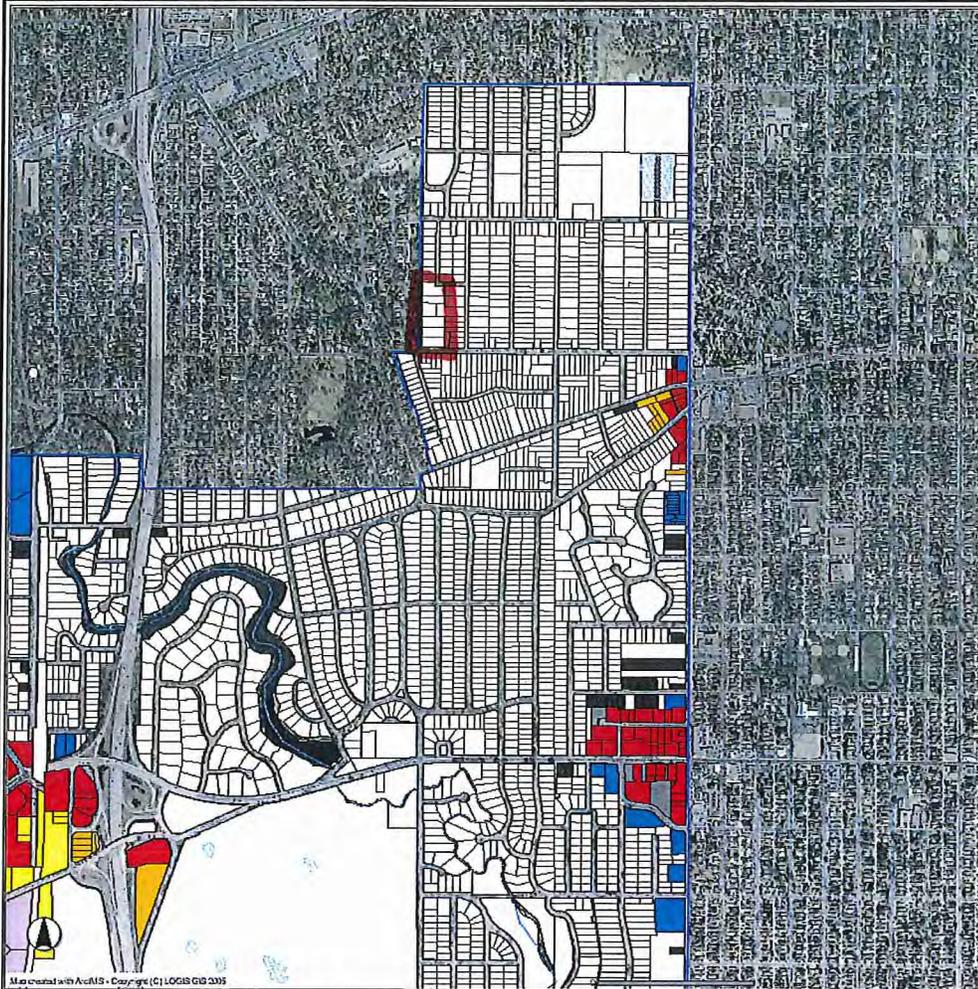


PID: 0702824420094

4412 Morningside Rd
Edina, MN 55416



City of Edina



- Legend**
- City Limits
 - Creeks
 - Lakes
 - Zoning**
 - APD (Automobile Parking District)
 - MDD-4 (Mixed Development District)
 - MDD-5 (Mixed Development District)
 - MDD-6 (Mixed Development District)
 - PCD-1 (Planned Commercial District)
 - PCD-2 (Planned Commercial District)
 - PCD-3 (Planned Commercial District)
 - PCD-4 (Planned Commercial District)
 - PID (Planned Industrial District)
 - POD-1 (Planned Office District)
 - POD-2 (Planned Office District)
 - PRD-1 (Planned Residential District)
 - PRD-2 (Planned Residential District)
 - PRD-3 (Planned Residential District)
 - PRD-4 (Planned Residential District)
 - PRD-5 (Planned Residential District)
 - PSR-4 (Planned Senior District)
 - R-1 (Single Dwelling Unit)
 - R-2 (Double Dwelling Unit)
 - RMD (Regional Medical District)
 - Parcels
 - 2009 Aerial Photo

□ = R-1

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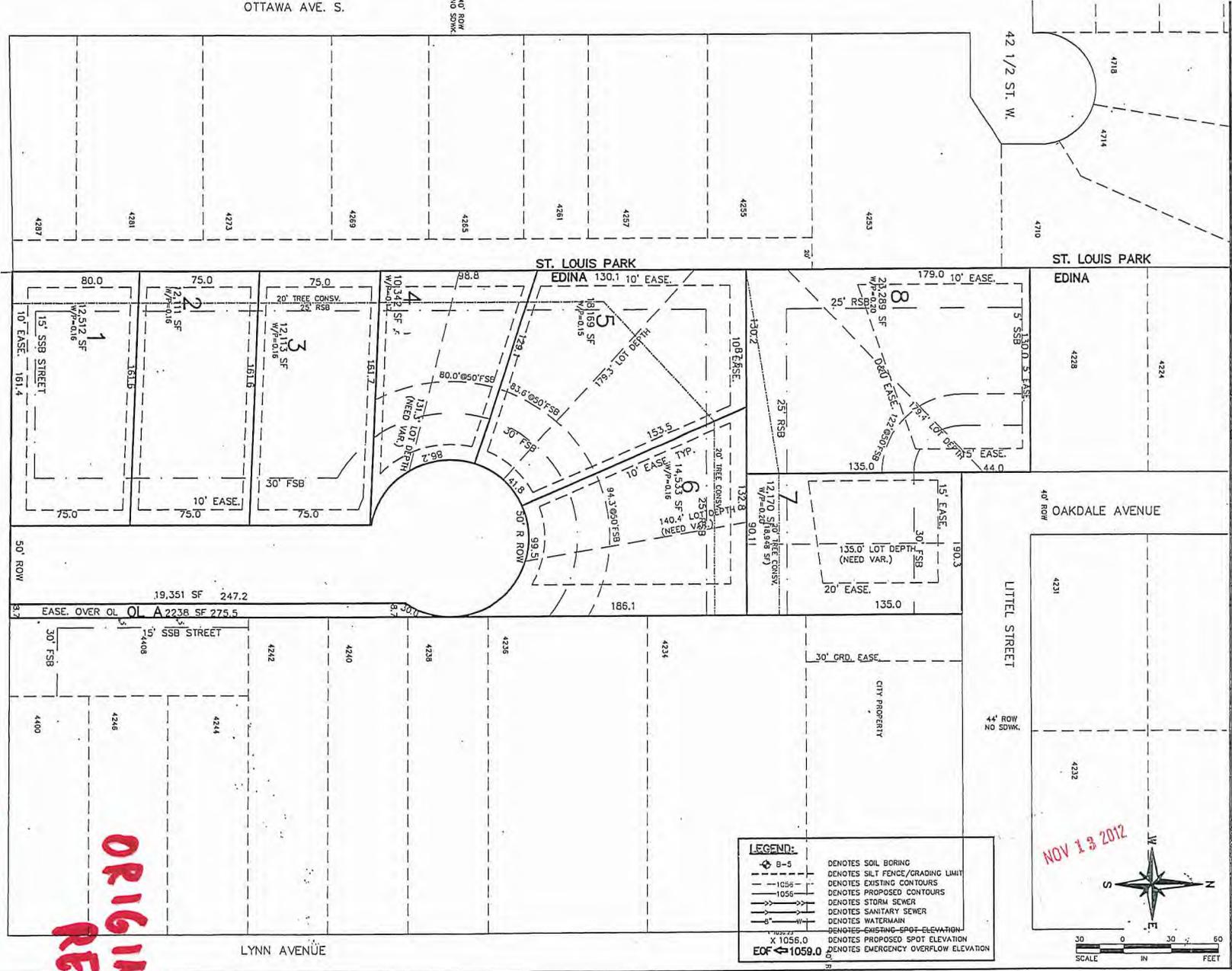


PID: 0702824420094

**4412 Morningside Rd
Edina, MN 55416**



**ZONING
MAP**



addition maintaining the character of the neighborhood.

Mr. Vayda reiterated ReKamp Larsen's comment of their commitment to maintain neighborhood character and the character of the house. Mr. Vayda said he purchased the house from the original owner, adding the house needed some updating.

Chair Grabiell asked if anyone was present to speak to this issue; being none, Commissioner Carpenter moved to close the public hearing. Commissioner Potts seconded the motion. All voted aye; motion carried.

Commissioner Fischer commented that the change is minimal but he supports the variance as submitted.

Commissioner Forrest said she likes the sustainability of the project.

Motion

Commissioner Staunton moved variance approval based on staff findings and subject to staff conditions. Commissioner Platteter seconded the motion. All voted aye; motion carried.

P.C.
12/12/12

D. Preliminary Plat. Franklin and Carol Sidell. 4232 Oakdale Avenue and 4412 Morningside Road, Edina, MN.

Planner Presentation

Planner Teague informed the Commission Peter Knaeble on behalf of Frank Sidell is proposing to subdivide the Sidell family-owned property located in between Littel Street and Morningside Road into eight lots. Currently the site consists of six lots. The existing home on the south side of the property and various accessory buildings would be torn down and a cul-de-sac street would be built along the east lot line to serve six of the new home sites. The existing home at 4232 Oakdale would remain and one new lot created on Little Street. To accommodate the request the following is required:

1. A subdivision;
2. Lot depth variances from 161 feet to 131 feet for Lot 4; to 140 feet for Lot 6 and to 135 feet for Lot 7.

Teague reported within this neighborhood, the median lot area is 9,606 square feet, median lot depth is 161 feet, and the median lot width is 50 feet. Continuing, Teague explained that the applicant has developed a plat that would meet all of the minimum lot size requirements; therefore, this site is entitled to develop with eight lots. However, the applicant would rather not develop the site with that plan. There are some steep

slopes on this property as well as very mature trees. By developing the site in that configuration with a through street to connect Morningside Road to Littel Street would require extensive tree removal and slop disturbance. Therefore, the applicant is proposing the cul-de-sac configuration to avoid the slope; and is proposing a permanent conservation easement over some of the mature trees to ensure they are protected.

Planner Teague concluded that staff recommends that the City Council approve the proposed eight lot subdivision of the Sidell property and the lot depth variances from 161 feet to 131 feet for Lot 4; to 140 feet for Lot 6; and to 135 feet for Lot 7 based on the following findings:

1. The applicant has submitted a subdivision of the property that would meet all minimum zoning district requirements with eight lots and new through street that would connect Morningside Road and Littel Street.
2. Rather than develop the site per all minimum Zoning Ordinance requirements, the applicant has submitted a proposed subdivision of the property with a cul-de-sac, which requires lot depth variances for Lots 4, 6 and 7.
3. The proposed subdivision with the three lot depth variances would preserve the steep slopes on the site, and permanently preserves 82 mature trees by placing them in a conservation easement.
4. The proposed subdivision still has eight lots.
5. Except for the variances, the proposal meets the required standards and ordinance for a subdivision.
6. The proposal meets the required standards for a variance, because:
 - a. There is a unique hardship to the property caused by the existing steep slopes and mature trees on the property.
 - b. The requested variances are reasonable in the context of the immediate neighborhood. The existing lots larger in size than the median, and there are 26 lots within 500 feet of the property that do not have lot depths greater than 131 feet, which is the shallowest of the three lots that require lot depth variances.
 - c. The variance request is reasonable, as subdivision still contains eight lots, which would be allowed with the Code compliant subdivision; however, it permanently protects steep slopes and 82 mature trees.
 - d. If the variances were denied, the applicant could still subdivide the property into eight lots, however the steep slopes would be disturbed and an additional 42 mature trees would be removed.

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 release of the final plat, the following items must be submitted:
 - a. Submit evidence of Minnehaha Creek Watershed District approval. The City may require revisions to the preliminary plat to meet the district's requirements.
 - b. Enter into a Developers Agreement with the City. The Developers Agreement shall include the requirement for construction of the sidewalk as proposed.
 - c. Pay the park dedication fee of \$10,000
 - d. Individual homes must comply with the overall grading plan for the site. Each individual building permit will be reviewed for compliance with the overall grading plan subject to review and approval of the city engineer.
 - e. Compliance with the conditions outlined in the director of engineering's memo dated December 7, 2013.
 - f. A construction management plan will be required for the overall development of the site, and for each individual home construction.
 - g. Utility hook-ups are subject to review of the city engineer.
 - h. Establishment of a permanent tree preservation easement as demonstrated on the grading and tree preservation plan.
 - i. Outlot A shall be deeded to the adjacent parcel at 4408 Morningside Road.
 - j. The applicant must rebuild the driveway at 4408 Morningside Road to access off the new street, and eliminate the curb cut on Morningside Road. The configuration shall be subject to approval of the director of engineering.
 - k. A stop sign is required to be installed on the new street approaching Morningside Road. Clear sight lines shall be maintained from the intersection.
 - l. Use of Lot 7 for the overall grading of the development will require compensation to the City of Edina. A restoration plan shall be submitted by the applicant subject to review and approval by the City Council.

Appearing for the Applicant

Franklin and Carol Sidell, property owners and Peter Knable, Terra Engineering.

Discussion

Commissioner Carpenter asked Chuck Rickart, Edina traffic consultant to speak to this issue.

Mr. Rickart addressed the Commission and reported that his study found there were no operational concerns for either alternative (through-street or cul de sac). Rickart said with either roadway alignment stop sign(s) should be placed on the new street approaching Morningside Road. Continuing, Rickart said clear view is OK; however one should keep in mind if the Commission prefers the through-street cut through traffic could be an issue. Another suggestion Rickart expressed was recommending that the driveway adjacent to the new street for (4408 Morningside Road) should be realigned to eliminate turning conflicts.

Commissioner Carpenter asked Mr. Rickart his opinion on reducing the right-of-way. Rickart responded in his opinion a 24-foot side road would be adequate.

Applicant Presentation

Mr. Knable addressed the Commission and explained that two neighborhood meetings were held apprising neighbors of the project. Knable clarified that their preference is the cul de sac option. Continuing, Knable explained that the proposed lots vary in size from 10 – 23 thousand square feet with the average lot size roughly 14,000 square feet. Concluding Knable noted the proposed lots exceed the median standard.

Mr. Sidell, 4232 Oakdale, informed the Commission his family are long- time residents of Edina and have owned the subject lots for 50 years. Sidell said their mother is getting older and at this time the family needs to proceed with a plan for these lots. Sidell said that he believes the proposal they submitted maintains the character of the neighborhood and if the Commission supports the cul de sac option impact would be less.

Discussion

Commissioner Platteter noted the areas proposed for preservation and questioned how much would be lost to the "road". Mr. Knable responded that much depends on the option chosen, the through street or the cul de sac. Continuing, Knable said they will grade only what "they have to" and all lots would be custom graded. With the cul de sac option there is also a preservation area. Concluding, Knable said their goal is to save as many trees as possible and redevelop the site maintaining the character.

Chair Grabiell opened the public hearing.

The following residents expressed concerns about the proposed subdivision request:

Richard and Sarah Hardy, 4408 Morningside Road.
Angela Deen, 4301 Eton Place.

Katrina McDonald, 4257 Ottawa, St. Louis Park
Pete Killilea, 4236 Lynn Avenue.
Greg Anderson, 4212 Oakdale Avenue.
Connie Wilde, 4413 Morningside Road.
Patricia Goodwin, 4417 Morningside Road.
Jennifer Colburn, 4247 Lynn Avenue.
Jim Wilde, 4413 Morningside Road.
James Schwert, 4231 Oakdale Avenue.
Doug Junker, 4216 Oakdale Avenue.
David Deen, 4301 Eton Place.
Seth Hannula, 4307 Oakdale Avenue.

Frank Sidell, 4221 Lynn Ave, applicant, told the Commission he grew up in the Sidell family home noting that Morningside was annexed to Edina in 1966. Sidell said that he has lived in the Morningside neighborhood for the majority of his life and wants as the neighbors do to see his family home nicely developed.

Chair Grabel asked if anyone else would like to speak to this issue; being none, Commissioner Carpenter moved to close the public hearing. Commissioner Fischer seconded the motion. All voted aye; public hearing closed.

Discussion

Mr. Knable clarified that the Sidell's would be paying for the cul de sac and/or road. With regard to individual lots and one builder vs. multiple builders it's too early in the process to know how this will play out.

Chair Grabel asked the applicants how in their opinion this subdivision addresses and preserves the character of the neighborhood.

Mr. Knable responded that in his opinion the character of the neighborhood is being preserved by maintaining the natural amenities of the site; its vegetation and steep slopes. Knable said at this time he cannot speak to individual house style or what the current character is of Morningside homes, reiterating maintaining the physical characteristics of the site is a goal.

Commissioner Fischer referred to piece of city property at Lynn and Littel and asked Teague if that land was available to the community; is it a park or not. Teague responded that piece of land was tax forfeit property, adding that it's also a very low spot and may have forfeited because of water run-off issues. Teague explained that the City "owns" a number of unimproved properties throughout the City through tax forfeiture. Teague said City policy is to not sell these parcels but to leave them as open space. If residents want this as a park they would have to petition the City and be subject to council direction.

Commissioner Staunton in addressing comments from residents on road damage asked if there is anything in the Code that addresses extra wear and tear during the construction phase, pointing out that the roads into this area are not “main” streets.

Planner Teague referred to the City’s Construction Maintenance Plan that addresses the construction phase, adding damage to the street(s) would need to be addressed by the developer. Continuing, Teague said during the construction phase City Staff could recommend routes and a road inventory could be taken prior to construction and after. Staunton commented that routing construction traffic would be a big help.

Commissioner Staunton commented that one word that keeps reoccurring is character, adding that so far no one has addressed the proposed lot sizes. Staunton pointed out the proposed new lots are significantly larger in area and width than the majority of the lots within the Morningside neighborhood. Staunton questioned if these lots could be considered too large. Staunton said he realizes Ordinance states a minimum lot width of 75-feet; however, it appears in this neighborhood the majority of lots are 50-foot wide and were platted before that Ordinance change. Staunton said he is just “throwing this out” for further thought.

Commissioner Platteter reported he lives in Morningside and his entire block is comprised of 50-foot wide lots; and to him that’s the character of his neighborhood. It was acknowledged that the 75-foot lot width reflects the “suburban” development on the west side of Edina; however, Morningside was developed with different and varied lot sizes

Chair Grabiell pointed out the minimum lots size in Edina is 75-feet adding that the City Council recently denied an applicant the ability to subdivide his 100-foot wide lot into two 50-foot lots. Grabiell said lot size may need to be readdressed through ordinance; adding in his opinion it won’t work to reduce these lots to 50-foot lots. Staunton said he agrees pointing out there were instances where variances were granted to allow redevelopment of 100-foot lots into 50-foot lots. Staunton said his focus was more on maintaining the character of Morningside and what’s the right thing for this area. Concluding, Staunton noted this is an area of smaller lot widths.

Commissioner Fischer said he really appreciates the efforts of the family and their representatives. He pointed out the easiest way for the family would have been to sell their land to a developer and act innocent about what happens next. Again, Fischer stated he appreciates the courage and effort of the property owners. Continuing, Fischer said in saying that; there still is the problem in that everyone has a different idea on how to maintain the character of Morningside. Fischer said he finds three interest groups; 1) save the trees and slopes, 2) connectivity/through street 3) cul de sac. Fischer said much of the problem is with “us” and the Zoning Ordinance. Fischer pointed out in much of Edina plats were developed under different zoning

requirements, adding the problems the City routinely sees seems to occur mostly in areas that were platted and developed prior to ordinance changes, especially the 75-foot width etc. Fischer noted the Ordinance drives this. Concluding, Fischer said the Commission worked hard to establish a PUD for redevelopment; however, that “tool” was eliminated from residential development and without that tool it is very difficult to find solutions. Fischer said there are so many options to consider with this replat, can pedestrians stay connected without the cars, can a narrower roadway be platted to provide better buffer for the adjacent neighbor, etc. and should smaller building pads be considered? There is much to consider. Fischer asked if the applicant would consider taking another look at their proposal.

Frank Sidell acknowledged that the design presented was their best effort to meet code, adding the through street design is conforming; no variances would be required. Sidell said as a family they agreed the through street wasn’t the way to proceed. He also said he was surprised by the suggestion of smaller lots. Concluding, Sidell said his mother is 89 years old and still lives in the family home, adding they are not on a “fast track”; however if something happens to their mother the family would be on a fast track.

Planner Teague explained the sketch plan process to the applicants, adding final action on what was submitted this evening needs to occur by March 5th. –

Commissioner Potts said he recognizes the uniqueness of this site, adding continuing this to give thought to other options would be a good idea.

Commissioner Forrest agreed that this location is unique and there are challenges due to its topography. Forrest acknowledged redevelopment is difficult in a fully developed neighborhood and redevelopment of this area will have a large impact. Forrest pointed out redevelopment could occur quickly or building could go on for a long period of time. Concluding, Forrest said all redevelopment should also be guided by the Comprehensive Plan.

Commissioner Carpenter said he has listened to the conversation adding much of what the Commission has been discussing appears to be modifying the proposal. He questioned if that’s the Commissions intent, noting ordinances can’t be modified during review process.

Commissioner Schroeder agreed adding that experience is three dimensional and the Commission may need to find a pattern and work backwards. Schroeder said in his opinion this proposal isn’t there yet; and as was suggested the Commission should take a step back and allow time to formulate alternatives. Schroeder asked the applicants if they would consider a continuance.

Commissioner Platteter suggested hosting something similar to a design charatte to help work through this. He asked Planner Teague if there is a precedent for this.

Teague responded to the best of his knowledge the City hasn't done anything like that on an individual development level. Teague pointed out the Commission developed the Sketch Plan Review process, adding the applicant could use that tool.

Mr. Knable said he understands where the Commission is going with this; however, without a PUD process he doesn't know how anything could happen. Continuing, Knable said he understands smaller lots make smaller houses; however, what the City may want the neighbors may not want. He added it appears to him the residents want less density not more and less traffic not more. Concluding, Knable said he doesn't want to work on a sketch plan that isn't well received by everyone.

Commissioner Fischer said more lots may not be the answer, but could be considered. Fischer added the goal would be to create a project that meets the character of Morningside.

Commissioner Schroeder commented that at this time there is a proposal before the Commission and the Commission can either move to approve or deny or ask the applicant if they would consider taking a step back by tabling the request to allow more time to work with the Commission and staff on possible alternatives.

Mr. Knable told the Commission in discussing this with the property owners they are in favor of continuing their request and taking another look at the plat. Continuing, Knable said he would be willing to work with the City Planner and a few Commissioners and return with a sketch plan for review. Knable said he also wants to keep in contact with the neighbors during this process.

Chair Grabiell noted the March 5th deadline and asked Planner Teague if that could be extended. Teague responded in the affirmative.

Motion

Commissioner Staunton moved to continue the Preliminary Plat for Franklin and Carol Sidell to the January 23rd meeting of the Planning Commission. Commissioner Schroeder seconded the motion.

Staunton also recommended that Commissioners volunteer to work with City staff and applicant on the possibility of revising the preliminary plat. Potts, Platteter, Schroeder and Fischer volunteered. Motion was amended to appoint Potts, Platteter, Schroeder, and Fischer to work with the applicant. All voted aye; motion carried to continue the meeting to the January 23, 2013 meeting of the Planning Commission.

Chair Grabiell thanked Potts, Platteter, Schroeder and Fischer for volunteering.

January 18, 2013

Cary Teague
Community Development Director
City of Edina Planning Division
4801 W. 50th Street
Edina, MN 55424
(952) 826-0460

Dear Cary,

We are writing in response to the December 12, 2012 Planning Commission review of the Proposal for Acres Dubois, and to comment on the three development drawings of Acres Dubois being considered at the January 23, 2013 Planning Commission review.

On January 23, the Planning Commission will consider three drawings of a subdivided Acres Dubois, labeled "P-3 Preliminary Site Plan" (6-lot cul-de-sac similar to what was reviewed December 12 but with modified road width), "Sketch Plan A" (8 lot cul-de-sac with one home adjacent to and west of the Hardy home and cul-de-sac west of that new lot) and "Sketch Plan B" (8 lot cul-de-sac with road drawn next to Hardy home). Along with over forty households – and roughly twice that number of residents - in our neighborhood and in accordance with the findings of the City Engineer and the Traffic Study testimony presented on December 12, we object to a through-street plan connecting Morningside Road with Littel Street. We are heartened that each of the plans for review on January 23 proposes a cul-de-sac, as opposed to a through street, for accessing the main / south part of the subdivision near our home.

We are also grateful to see the narrowing in each of the three plans the road Right of Way from 50 to 40 feet and road surface from 27 to 24 feet, since these changes result in a road that is somewhat further from our house than the original proposal discussed December 12 and is a width more appropriate for accessing a small subdivision.

We were reassured to read many of the recommended conditions for approval of the Sidell proposal in your December 12 Staff Report. Specifically, condition (f) requires a construction management plan or the overall development of the site, and for each individual home construction. The prospect of imminent and long-term heavy construction of seven – or nine - new houses can and should be mitigated with a detailed and well-enforced Construction Management Plan. We trust our City Government to protect its current (and weary) Morningside residents against any foreseeable hassles, and to favor our convenience over a builder's.

Further, we noted that your Staff Report specified condition (i) noting that Outlot A shall be deeded to the (our) adjacent parcel at 4408 Morningside Road and condition (j) that the applicant must rebuild the (our) driveway at 4408 Morningside Road to access off of the new street, eliminate the curb cut on Morningside Road, subject to the approval of the director of engineering. We also appreciate your Staff Report's mention, under Traffic/Safety, of the Sidell's intent to plant a row of evergreens between our home and the cul-de-sac to minimize its

impact on our home. While we were evidently unable to argue compellingly for a west side road accessing the Acres Dubois development, these mitigations reassure us that our testimony was considered seriously and with careful attention during this process.

We appreciate the Commission's discussion about the project's potential strain on city infrastructure. Wear and tear of construction vehicles on Morningside Road and other roads could accelerate and make more expensive residents' obligation to pay for future maintenance and upkeep. Could builders pay a road-impact fee that would subsidize the cost of future maintenance on Morningside Road and perhaps other main arteries to and from the construction sites? Similarly, could builders pay a school-impact fee to Edina Public Schools to help mitigate the expense of educating what will likely be multiple additional children from 7 or 9 new homes? We believe other cities have assessed both types of fees in similar examples.

It may be of surprise to some that, of the three options under review by the Planning Commission on January 23, 2013, our order of preference for these plans (and our reasons for these preferences) ranks as follows:

1. P-3 Preliminary Site Plan would be our first choice as the property's development plan because it
 - a. Connects Hardy home to the new community of 6 Acres Dubois homes physically and visually
 - b. Affords the widest, approx 31.8 foot-wide buffer of land and air and space between the Hardy home and the new road through a land strip between our home and the road plus landscaping to buffer road noise, light, and air pollution.
 - c. Preserves more open space and potentially more trees than an 8-lot cul-de-sac on Acres Dubois.
 - d. The 75-foot lot width affords more flexibility for homebuilders to ensure houses are built in proportion to their lot size.
 - e. Limits the construction project on our south end of Acres Dubois to the demolition of one estate and the construction of 6 homes.
2. Sketch Plan B would be our second choice because it
 - a. Connects the Hardy home to the new community of 8 Acres Dubois homes physically and visually
 - b. Affords an approx 28 foot-wide buffer of land and air and space between the Hardy home and the new road through a land strip between our home and the road plus landscaping to buffer road noise, light, and air pollution.
 - c. Second choice to P-3 Preliminary Site plan because
 - It imposes 8 instead of 6 home building projects for all of us to endure plus a roughly 30% increase in additional long-term stress on infrastructure (schools, sewer, traffic and road wear and tear).
 - It threatens more trees and open space on Acres Dubois
3. Sketch Plan A – the plan with a 50 foot lot directly west of our property - is our distant third choice because it
 - a. Cuts off our home from the new community of homes physically while still exposing us to the north end of the cul-de-sac and its accompanying nuisances.
 - b. Places an as-of-yet undefined structure on a 50 foot wide lot directly west of ours. Here we join the chorus of uncertainty about what could be built – how big and

how close – to our home blocking light, air, and space and imposing privacy concerns.

- c. It imposes 8 instead of 6 home building projects for all of us to endure plus a roughly 30% increase in additional long-term stress on infrastructure (schools, sewer, traffic and road wear and tear).
- d. It threatens more trees and open space on Acres Dubois.

To be clear, we would rather have a cul-de-sac running approximately 30 feet away from and parallel to our home, as drawn in “P-3 Preliminary Site Plan” and “Sketch Plan B,” than a house on a 50 foot lot built potentially 10 feet from our home as drawn in “Sketch Plan A.”

We appreciate the opportunity to comment on the possibility of a 50-foot lot running parallel to our home instead of a road. However, a side setback does not buffer us the way a rear set back would, and despite a home next door to our west, we would still experience exposure to the cul-de-sac and its nuisances at its north end. Had the road been drawn on the west side of Acres Dubois, as we’d hoped, our house would be adjacent to only yards on all sides. We would benefit from rear yard set back requirements and be sandwiched in a way similar to several other homes all along Morningside road. Newly constructed homes facing a west side cul-de-sac would have provided an ample buffer of air, light, and space between our home and the west side road, keeping the new road entirely out of eye and earshot from our home. Since the west side road is not being seriously considered, we would rather end up feeling connected physically and visually to the Acres Dubois community of homes. The P-3 Preliminary Site Plan and Site Plan B, both showing approximately 30 foot distance between our house and the road bed, the reorientation of our driveway to enter the cul-de-sac, and some substantial landscaping on the west side of our home, blend our home into the development while preserving our privacy fairly well.

Given the three options being considered, we support the Sidell’s P-3 Preliminary Site Plan as the best option of the three under consideration for everyone involved, including the Sidell family and surrounding neighbors.

Finally, we offer a comment on the “character” of Morningside. On December 12, residents encouraged the Planning Commission to carefully consider the development’s impact on the “character” of Morningside. This conversation is colored by concurrent questions and concerns around what some builders and homeowners have chosen to tear down and build on other 50-foot wide lots in Morningside. We assert that the homes in Morningside are incredibly eclectic and that a person could find something lacking in just about any of the homes in our community, new or old. There is no one “typical” Morningside lot size or home style. However, if desired, the size, look, and feel of the structures built on Acres Dubois could be controlled through the wise use of restrictive covenants and builders of high quality and integrity.

We agree that city code for building on 50-foot lots needs to be addressed and, in some cases, corrected to protect all stakeholders. However, the Acres Dubois proposal spares these questions in this case by proposing 75 foot wide lots in its December 12 proposal and in its current “P-3 Preliminary Site Plan.” Seventy-five foot wide lots are also very consistent with Morningside’s eclectic character. Further, many would no doubt agree that existing city code does a better job

defining sensible parameters for what can be built on a 75 foot wide lot, allowing builders and future home dwellers more flexibility to build homes for a modern lifestyle.

One critical quality that truly shapes Morningside's "character" is not the shape of a street, nor the size or age or shape of a house, nor the placement of a garage, but the people and community in this pocket of Edina. We encourage everyone impacted by the Acres Dubois Proposal, as well as those involved in conversation around city code for 50 foot wide lots, to stay focused on what really makes this neighborhood special and to work together to bring this to a speedy, cordial, and mutually acceptable resolution. To this end, we implore the Planning Commission and the City Council to reach a prompt and decisive ruling on the Sidell's proposal so that our neighborhood can move on and once again focus on building and strengthening the ties that bind us into one amazing neighborhood.

Thank you for your diligence in this matter.

Sincerely,



Rick and Sarah Hardy
4408 Morningside Road
Edina, MN 55416
(952) 486-7658

Frank Sidell
Joni Bennett, Edina City Council
Mary Brindle, Edina City Council

PLANNING DEPARTMENT
JAN 18 2012
CITY OF EDINA

January 16, 2013

Mr. Cary Teague
Community Development Director
City of Edina
4801 W 50th St
Edina, MN 55424

Dear Mr. Teague:

As adjoining property owners, we are writing to express our support for our neighbors, the Sidell's, and their proposed Acres DuBois subdivision. We have seen three proposed plans that are to be reviewed at the Planning Commission Meeting on January 23rd, 2013. We believe that the Preliminary Site Plan with 8 properties/homes is the best choice for the neighborhood. We are not in favor of Sketch Plan A or Sketch Plan B which both have plans for a total of 10 properties.

We feel the plan with 8 homes the best option for the following reasons:

1. The proposed Preliminary Site Plan with 8 proposed houses will have a much smaller environmental impact than Sketch Plan A or Sketch Plan B. Limiting the development to 8 homes will preserve the green-space to a greater degree than a 10 house plan. The construction and development of 10 homes would require many more trees to be removed and a much greater amount of land disturbance.
2. Increasing the number of houses to be built will increase the level of noise and traffic disturbance to all of the neighbors during the construction phase.
3. Because the topography on the west side of the property contains steep slopes, we are very concerned about the potential for erosion to the hill in our back yard and resulting water run-off and damage to our home. If Sketch Plan A or Sketch Plan B are approved, we believe the excavation required for Property #3 would likely cause erosion and drainage problems to our property.

We also would like to express our thanks to the Sidell family and Mr. Peter Knaeble, P.E., for their extraordinary efforts to communicate with all the neighbors affected by the proposed project.

Thank you for your attention to our comments.

Sincerely,

Jena Bjorgen and Jack Szczepek
4281 Ottawa Ave S
St. Louis Park, MN 55416
952-922-6711

Cary Teague

From: Nancy and Peter Killilea <pkandnb@comcast.net>
Sent: Tuesday, January 15, 2013 8:22 PM
To: Cary Teague
Subject: Morningside Subdivision

Cary,
My name is Nancy Killilea. My family lives at 4236 Lynn Avenue. We are directly effected by the proposed subdivision on the Sidell property as our property backs up to the land. My husband, Pete, attended the Planning Commission meeting on December 12 and provided feedback during the meeting.

Thank you for sending out the alternatives that are currently being considered. We are grateful that the city is interested in considering alternatives that will fit the unique needs of our neighborhood. My family wanted to provide additional feedback to consider as this proposal moves forward:

1. We highly support the development of homes directly facing Morningside Road. This clearly enhances the sense of community on that street.
2. We support and would encourage sidewalks along the entirety of the cul-de-sac. The cul-de-sac concept is not one that is consistent with our neighborhood or consistent with the more urban nature of Morningside. A full sidewalk would be a minor effort to overcome the impact of a cul-de-sac.
3. We support greater open space between homes to honor the heritage of this unique plot of land. Many of us bought these homes because of the benefit of the trees and open spaces adjacent to them. It is possible to maximize this financial opportunity while also protecting the benefits that brought us to this neighborhood. This should be considered through two different opportunities:
 - o Number of lots. We appreciate the involvement of the Planning Commission to revise the proposed design to address the concerns of the community. At the Dec 12 meeting there was discussion among the Commissioners about a design with smaller lots but an increased number of lots in order to encourage homes that are consistent with the neighborhood. We appreciate the intention but it seems like a backwards approach to achieve this objective. This should be met by appropriate zoning requirements for the height and size of new homes as well as appropriate set backs. Given the number of issues Morningside has experienced due to the inadequacy of the current requirements, this subdivision should not be allowed to proceed without new requirements being developed and applied.
 - o Greater set backs for sides and backs of homes. The drawings are best case but we have seen homes developed that interrupt the sight-lines and open space of their neighbors. New set backs should be a requirement.
4. The current alternatives miss one of the most unique opportunities offered by this lot and this neighborhood: a connection to the open lot at Lynn and Littel. Many neighborhood children utilize this open space and it brings our community together. Like similar areas in other parts of Edina (near Creek Valley Lane) as well as St. Louis Park (intersection of Wooddale and Princeton), we have the opportunity to create a path or walkway from the cul-de-sac to the open lot. Kids sled on the hill, play sports in the open lot. The many families with children that make up our neighborhood will sorely miss this. Cul-de-sacs are not consistent with our neighborhood. This dead-end concept can be overcome by allowing walkers, joggers, dog walkers, children and adults to connect to the streets and lots below. Please consider this small change that will have minimal impact on lot size or financials. It is worth so much more than its cost.

We have lived in Morningside for 12 years. We recently moved into our second home in this community, a home on Lynn, and invested in the remodeling of a home that has been here for many generations. We stayed in this area because we value the diversity of people, the urban feel of the neighborhood and the tightly knit neighborhood. I am hoping that we are able to maintain these qualities despite the changes that are being planned. Please give consideration to the characteristics of this unique neighborhood as you determine the future of our backyard!

Thank you,
Nancy Killilea

Cary Teague

From: Jen Colburn <jenlcolburn@gmail.com>
Sent: Friday, January 18, 2013 8:12 AM
To: Cary Teague
Subject: Fwd: Morningside Subdivision

Dear Mr. Teague,

I am writing in response to the new proposals for the subdivision in Morningside, Acres DuBois. If you could please include this note in the packet for the Planning Commission, that would be appreciated. Thank you.

Mr. Teague and City Planning Commissioners,

Thank you for taking the time to review this and seriously considering the proposed plans for the new Morningside subdivision. I appreciate your willingness to think outside the box as this is a very unique situation.

While we know that we have issues to resolve around redevelopment and specifically the 50' foot or narrow lots, I feel these new proposed plans fit the neighborhood much better than the original cul-de-sac proposal. If this property had been developed when the rest of "upper" Morningside (or the south end of the neighborhood) was developed in the 1930's, this plot of land would have a set of smaller lots like the new plan proposes (and perhaps a through-street). On Sketch Plan B, layout 1, the lots facing Morningside Road would be consistent with the rest of the street and add to community. While this plan calls for more variances, I think it is important to remember that these variances are required because we currently have city code that does not accurately fit the Morningside neighborhood. This code was written long after this neighborhood was built. If we look at a majority of the original neighborhood homes, if we built them today, they would likely require variances.

There will never be a "perfect" plan, but this is a step in the right direction to avoid the Eden Prairie/suburban subdivision that so many want to avoid. This plan will mean more construction, but I believe it is worth it in the long run to preserve the neighborhood character.

On a side note and more out of the box thinking, has the city considered buying one of the lots to keep green space/add park land? (Or have the Sidells considered donating a lot for this cause?) The city has benefited tremendously with the additional revenue from building permits and increased taxes from larger homes in Morningside and the city. To be honest, it would wonderful to see some of that money put to use in the neighborhood for all to enjoy.

Thank you,
Jen Colburn
4312 Branson St.

--
Jen Colburn
[952.270.6601](tel:952.270.6601)

January 15, 2013

Dear Mr. Teague and Members of the Planning Commission:

My name is Peggy Lawrence. I live at 4411 Morningside Road—directly across the street from the proposed Acres DuBois subdivision. I attended the recent Planning Commission meeting at which this proposal was discussed and walked away with a hopeful feeling that our concerns had been heard, that brainstorming would be done with the Sidell family and that other options for the site would be forthcoming. Upon examining the new plans, I'm feeling disillusioned and here's why:

- Our main objection was the cul-de-sac; I think the Commission missed that point. The residents of Morningside like the urban feel to the community with its connected streets and sidewalks. As long as the property is being subdivided, it would be important to connect Morningside to Littel and lower Oakdale, and a through street would accomplish this. Cul-de-sacs are suburban not urban, and there are none in Morningside at present. I believe there is a conforming plan for the site that would require no variances.
- The number of houses has increased from 8 to 10, with 2 or 3 facing my house on Morningside. This is very dense housing. The size of these houses would have to be carefully controlled, and we all know that this isn't happening in Morningside. Most of the new houses currently being built are 35' high and stretch to the lot lines on each side. The granting of variances seems to be the rule rather than the exception with the result being huge houses on small lots. Also concerning would be front garages, etc., so I'm trying to wrap my head around what I'll see when I look outside my front windows, and how it will change the feel of my property.
- Adding a subdivision to an already established neighborhood is no small task! The thought of all that construction is quite disarming. I see several years of portable "biffies," construction trucks, building materials lying on the ground, blocked streets, noise and the fear that a gas or water line will be accidentally cut into. Construction is difficult, and Morningside has certainly had its share.
- I'm worried that the Planning Commission and the City Council will see the building of 10 new houses as an added source of revenue for the city and ignore the best interests of Morningside.

In concluding, I would urge the Planning Commission and the City Council to choose the conforming plan which would need no variances. This would offer a connecting grid street with sidewalks; it may also be the choice of least resistance from the community thereby sparing the hard feelings that may damage the otherwise supportive and delightful community of Morningside. Remember there is an emotional element to all of this.

Thank you for giving me the opportunity to state my feelings. I have lived across the street from the Sidells for 34 years and highly value them as friends and neighbors. Hopefully, a solution acceptable to all will be found.

Sincerely,

Peggy Lawrence

Cary Teague

From: Frank Sidell <fidsidell@gmail.com>
Sent: Thursday, January 17, 2013 2:43 PM
To: Cary Teague
Subject: Fwd: Morningside Subdivision

Cary,

Please make sure this gets to the planning commissioners.

Thanks,

Frank

----- Forwarded message -----

From: <acresdubois@aol.com>
Date: Thu, Jan 17, 2013 at 2:27 PM
Subject: Fwd: Morningside Subdivision
To: fidsidell@gmail.com

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

From: acresdubois <acresdubois@aol.com>
To: pkandnb <pkandnb@comcast.net>
Sent: Thu, Jan 17, 2013 9:44 am
Subject: Re: Morningside Subdivision

Nancy,

Thanks for sending me a copy of your note to Cary.

A couple of comments on your issue of connectivity:

1. We looked at what it would take to put a sidewalk connecting the cul-de-sac with the City's green space lot (not a park). Without the grading and reshaping of the hillside that would happen if a through road was put in, the sidewalk would be too steep and need to have steps and railing. This creates a dangerous situation especially in the winter when the City would be responsible for keeping this maintained.
2. There is already a connection from Morningside Rd to this space 200' to the east on Lynn Ave. People who love the walkability of Morningside should have no trouble with this short distance.
3. 1/3 of Morningside does not even have sidewalks.
4. Finally, and most important to the family, this is private property. There is no precedent for a public sidewalk on private property in the city of Edina. The only way this will happen is for the City to grab the property by immanent domain. Please help me understand why you and Pete think it is a good idea to have a public sidewalk in your backyard (especially with a pool)?

As you may be able to tell, my patients are wearing thin,

Frank

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

From: Nancy and Peter Killilea <pkandnb@comcast.net>
To: acresdubois@aol.com>
Sent: Wed, Jan 16, 2013 6:02 pm
Subject: FW: Morningside Subdivision

Frank,

I wanted to forward to you a note that Pete and I sent to Cary regarding the subdivision proposal. We continue to be concerned more about the current city codes that will apply to your project than most of the specifics of your project. In most scenarios, we are the only home with a new home adjacent to our lot (on the Edina side; the SLP side has topography helping them). The other homes benefit from the light and space that comes with the cul-de-sac. But in all of the scenarios we are impacted directly by a home. With current city codes, that means we are likely to have a 3 story wall to look at rather than your beautiful trees. Having just tried to responsibly remodel and invest in the neighborhood it is disappointing to us to lose what brought us here. I know we will likely lose that battle (it would have been nice have the cul-de-sac continue directly behind our home) but we will do our best to work with the city to improve the codes to give us some peace of mind.

I appreciate your involvement and continue to be amazed that you are willing to engage with everyone given how emotional this topic appears to be to many.

Thank you!
Nancy

From: Cary Teague <cteague@EdinaMN.gov>
Date: Wed, 16 Jan 2013 14:37:54 +0000
To: Peter Killilea <pkandnb@comcast.net>
Subject: RE: Morningside Subdivision

Thank you Nancy,

I will include your email in the Planning Commission packet of information that will go out this Friday.

Cary



Cary Teague, Community Development Director

952-826-0460 | Fax 952-826-0389 | Cell 952-826-0236
cteague@EdinaMN.gov | www.EdinaMN.gov/Planning

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

From: Nancy and Peter Killilea [<mailto:pkandnb@comcast.net>]
Sent: Tuesday, January 15, 2013 8:22 PM
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Thank you,
Nancy Killilea