REPORT / RECOMMENDATION

To: MAYOR AND COUNCIL

Agenda Item #: IX. A.

From: Debra Mangen
City Clerk

Date: April 2, 2013

Action ☐
Discussion ☐
Information ☒

Subject: CORRESPONDENCE RECEIVED AFTER PACKETS

Action Requested:

Attached is correspondence received after the packets were delivered to you.

No action is necessary.

Subject: Resent: Minneapolis Area Association of Realtors Comment Letter - Revised Demolition Permits Ordinance Proposal

April 2, 2013

Edina City Council
4801 West 50th Street
Edina, MN 55424

To the Honorable Mayor Hovland and Members of the Council –

The Minneapolis Area Association of REALTORS® (MAAR) would like to thank the City Council and its staff for your recent in-depth contemplation of Ordinance No. 2013-3 amending Chapter 4 Concerning Demolition Permits for Single and Double Dwelling Units (the "Proposed Ordinance"). We are encouraged by the steps the Council has taken in revising the original proposal to reduce some the significant costs and regulatory burdens that it would have added to the residential redevelopment process in Edina.

However, MAAR still has some concerns with the Proposed Ordinance, even in its revised form. Attached please find our comment letter regarding the revised Proposed Ordinance, describing where areas of concern still exist.

In light of the inclusion of the Proposed Ordinance on tonight's City Council agenda, we respectfully request the Council consider the attached comments and incorporate the related recommendations before voting to approve final passage of the Proposed Ordinance.

Once again, we would like to thank the City Council and City Staff for your openness to receiving input from residents and stakeholders on the issue of residential redevelopment in the City of Edina. We greatly appreciate the opportunity to share our thoughts.

Please contact me should you have any questions.

Julia Parenteau
Public Affairs Director
Minneapolis Area Association of REALTORS®
p. (952) 988-3124
e. juliap@mplsrealtor.com

MINNEAPOLIS AREA Association of REALTORS®

April 2, 2013

Edina City Council
4801 West 50th Street
Edina, MN 55424

Dear Mayor Hovland and Members of the Council,

Thank you for your continued attention to the challenging issue of residential redevelopment in the City of Edina. The Minneapolis Area Association of REALTORS® (MAAR) appreciates your commitment to finding the most equitable method for maintaining oversight of infill development in the city.

Ahead of the Council's meeting on March 19, 2013, MAAR submitted comment detailing our concerns regarding Ordinance Proposal No. 2013-3, Amending Chapter 4 Concerning Demolition Permits for Single and Double Dwelling Units (the "Proposed Ordinance"). We were grateful that the Council voted to table a final decision on the Proposed Ordinance as read at that meeting. That action has allowed for some additional research and revision to ensure the regulations on redevelopment in Edina alleviate residents' concerns without cutting off redevelopment activity completely or infringing unnecessarily upon property rights.

MAAR is also encouraged by the steps the Council recommended on March 19 for revising the Proposed Ordinance. For example, reducing the required amount of cash escrow and insurance liability will take some immediate financial burden off property owners at the onset of any remodeling project. Modifying the allowable work hours to include some weekend hours especially helps homeowners who choose operate as their own general contractors or conduct construction activities themselves. Most significantly, the addition of building permits regulations to the Proposed Ordinance recognizes the activity which is most likely to cause consternation from neighboring residents.

However, MAAR still has some concerns with the Proposed Ordinance, even in its revised form. We met with City Staff on March 27 to discuss some possible resolutions for these concerns. At this time, those resolutions have not been incorporated into the Proposed Ordinance for presentation to the Council. Please find those concerns in the foregoing sections.

411.02 – Definition of Demolition.

1. The proposed definition, although favorably revised to include only *the removal or destruction of more than fifty percent (50%) of the exterior walls of a single or two family dwelling unit,* is still much more restrictive than surrounding communities.
    a. MAAR recommends reviewing how this definition relates to property tax standards for remodel versus new construction of a residential structure. The city may find acceptable compromise between this proposed definition and surrounding community standards by defining "demolition" as *the removal or destruction of more than seventy-five percent (75%) of the exterior walls of a single or two family dwelling unit.* (Indeed, standards of 75% are found in many states and local jurisdictions nationwide.)

411.04 – Permit Applications.

1. It is not clear as to whether this ordinance allows for a single permit issuance for a demolition plus construction project, or whether two separate permits (including two fees payable) will be required.
    a. MAAR recommends revising this section to articulate whether demolition and building permit may be issued jointly, or whether permit applicants will need to separately apply for permits for each activity.

411.05 – Permit Requirements.

1. Subd. 3: The Proposed Ordinance does not adequately define what conditions may lead to a required soils investigation report.
    a. MAAR recommends that clearer standards should be listed to describe what might trigger a requirement for a soils investigation report; eg: types of soils and topographies that are more likely to be at risk, or a standard of proximity for nearby structures that may cause concern. Even if these definitions are not necessarily listed in Ordinance No. 2013-3, they should at least be made available in a concurrent procedural document for review by permit applicants.

2. Subd. 5: Requirement to notify property owners within 300 feet is limited only to demolition permits. However, more concern is often raised because of construction activity.
    a. MAAR recommends that if the city is going to require this type of notification, it makes more sense to link it to the building permit, rather than the demolition permit.

3. Subd. 7: Requirements for stormwater and erosion control plans are not clearly described. Does the city intend that any mitigation efforts will need to be in place for the life of the new structure, or only for the duration of the construction project? The only time qualifier in this section is contained in this sentence: "Permit holder must protect all storm drain inlets with sediment capture devices at all time *during the project* when soil disturbing activities may result in sediment laden storm water runoff entering the inlet."
    a. MAAR recommends this section be revised to include specific expectations for the duration of these mitigation actions.

411.06 – Permit Standards for Both Demolition Permits and Building Permits.

1. Subd. 2: Allowable work hours do not take into consideration emergency circumstances where work is necessary to avoid damage to the property, structure, materials or equipment.
    a. MAAR suggests revising this section to allow permitted work in cases of emergency at the discretion of the Building Official and/or other city representatives.

2. Subd. 4: How do these parking and other vehicle operations requirements differ from standard traffic laws? This section also does not clearly relate regulated parking or other vehicle operations activities to the physical premise of demolition or construction.
    a. If the intent of this section is to limit parking and vehicle operations within a specific physical proximity to the demolition or construction zone, that physical proximity where these requirements will be enforced should be defined.

3. Subd. 9: The requirement to protect trees is not clearly defined.

a. If the intent of this section is to protect trees within a specific physical proximity to the demolition or construction zone, that physical proximity where these requirements will be enforced should be defined. Additionally, "trees" should be defined in some manner, such as included classes of plants and/or trunk diameter.

411.07 – Stop Work Orders.

1. The ability of the Building Official to issue "Stop Work" orders is not clearly defined.
   a. MAAR recommends that standards for "dangerous or unsafe" operations should be enumerated.

2. There is no option for appeal described under this section.
   a. Work stoppage can create significant financial and time burdens on property owners. Some method for appeal of these orders should be included for permit holders who believe any work stoppage orders were issued without due cause.

411.08 – Misdemeanor.

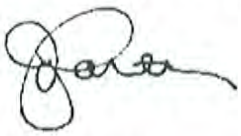
1. Violation of this ordinance constitutes a misdemeanor, but no avenues for appeal are described.
   a. Misdemeanor charges are significant criminal penalties. Some method for appeal of these charges should be included for permit holders/property owners who believe they are innocent of such charges.

Summary

The City of Edina has made significant progress in revising and improving Ordinance Proposal No. 2013-3, Amending Chapter 4 Concerning Demolition Permits for Single and Double Dwelling Units (the "Proposed Ordinance"). MAAR appreciates the effort that has been expended on the part of the City Council and its staff to consider all aspects of regulating residential redevelopment and . We believe that through the incorporation of the above recommendations to clarify certain sections of the Proposed Ordinance, the City of Edina will be well situated for the anticipated home construction 'season'.

The Minneapolis Area Association of REALTORS® respectfully requests the Council consider revising the Proposed Ordinance as recommended before final adoption of Ordinance Proposal No. 2013-3.

Thank you very much for your consideration.



Julia Parenteau
Public Affairs Director
Minneapolis Area Association of REALTORS®
p. (952) 988-3124
e. juliap@mplsrealtor.com

Cc: Scott Neal, City Manager
Cary Teague, Community Development Director
MAAR Board of Directors
MAAR Public Affairs Committee

Susan Howl

From: Lynette Biunno on behalf of Edina Mail
Sent: Monday, April 01, 2013 2:59 PM
Cc: Susan Howl
Subject: FW: Safe Routes to School Hearing Wednesday @ 3:00 p.m.
Attachments: Senate hearing advisory.docx

Lynette Biunno, Receptionist
952-927-8861 | Fax 952-826-0389
lbiunno@EdinaMN.gov | www.EdinaMN.gov
...For Living, Learning, Raising Families & Doing Business

From: Dorian Grilley [mailto:dorian@bikemn.org]
Sent: Monday, April 01, 2013 2:54 PM
To: Edina Mail
Cc: Rachel Callanan; matt.schafer@cancer.org Schafer
Subject: Safe Routes to School Hearing Wednesday @ 3:00 p.m.

Dear Mayor Hovland,

The MN Senate Transportation Committee has scheduled a hearing on Senator Franzen's bill to fund the state safe routes to school grant program that was created but not funded last year. Last year the City of Edina resolved to support the creation and funding of the program. So, on behalf of the MN Safe Routes to School Coalition http://www.facebook.com/SafeRoutesToSchoolMinnesota?ref=ts&fref=ts (Heart Assn., Cancer Society, BikeMN, BlueCross, etc.) I'd like to invite you to testify at the hearing. If you are unable to make it please feel free to suggest someone else from Edina.

I have also attached the Coalition's media advisory on the hearing for some background.

Sorry for the short notice.

Sincerely,

Dorian Grilley
Executive Director
Bicycle Alliance of Minnesota
651-387-2445
dorian@bikemn.org
www.bikemn.org

For immediate release: April 2, 2013
For more information: Rachel Callanan 612-803-1008

MEDIA ADVISORY – MEDIA ADVISORY – MEDIA ADVISORY

Senate Transportation and Public Safety Committee to Hold Hearing This Week on Legislation to Fund a Minnesota-based Safe Routes to School Program

Measure is designed to increase the safety of students who walk and bike by reducing funding gaps

St. Paul, Minn. – The Minnesota State Senate will hold a hearing this Wednesday to take testimony on legislation to fund a Minnesota-based Safe Routes to School Program.

The hearing will take place on Wednesday, April 3 starting at 3:00 p.m. in the Minnesota Senate's Transportation and Public Safety Committee in room 15 of the Capitol Building.

The legislation, which was introduced by Representative Melisa Franzen (DFL-Edina), would appropriate $12.8 million in bond proceeds and $3.2 million from the general fund to help develop, create and improve infrastructure such as sidewalks, trails, street crossings and bike paths to make it safer for students to walk and bike to school. Last year the Minnesota Legislature created but did not fund a Minnesota SRTS Program due to extreme budget shortfalls.

The Minnesota program was created because the existing federal SRTS Program does not adequately fund the safety needs of Minnesota's school students. In the last federal funding cycle, MnDOT received 82 applications from local schools requesting $23 million but only $3.8 million was available and awarded to 16 applicants through the federal program. In addition, under the federal program, high schools aren't eligible for funding.

To make matters even more challenging for Minnesota schools that want to make it safer for students to walk or bike to school, the 2012 federal transportation bill cut funding for the federal SRTS program by one-third, further reducing available grants.

Nationally in 2009, more than 23,000 children (ages 5 to 15) were injured and 250 killed by cars or trucks when they were struck while walking or bicycling. This represents 25 percent of all children's traffic fatalities and 15 percent of all children's traffic injuries. In 2012, 38 Minnesota pedestrians and six bicyclists were killed in crashes with motor vehicles. SRTS is designed to help prevent those injuries and fatalities, especially when children are walking and bicycling to school.

Other Senate sponsors of the SRTS funding legislation include John Pederson (R-St. Cloud), Barb Goodwin (DFL-Columbia Heights), Bev Scalze (DFL-Little Canada) and Jeremy Miller (R-Winona). A companion bill has been introduced in the Minnesota House of Representatives.

A wide range of Minnesota school, community and health-based organizations support the establishment and funding of a Minnesota-based SRTS Program. Those organizations include the American Heart Association, Blue Cross and Blue Shield of Minnesota, Minnesota Chapter of the American Academy of Pediatrics, Minnesota School Boards Association, Allina Health, American Cancer Society, Bicycle Alliance of Minnesota, Minnesota PTA, BLEND, Cancer Caucus (Minn. Legislature),

Childhood Obesity Working Group (Minn. Legislature), Children's Hospitals & Clinics of Minnesota, City of Princeton, City of Royalton, City of Sauk Centre, Coalition of Greater Minnesota Cities, Edina City Council, Fire Up Your Feet, Health & Learning Associates, Health Partners, MN Association for Health, Physical Education, Recreation and Dance, Minnesota Association of School Administrators, Minnesota Complete Streets Coalition, Minnesota Consortium for Citizens with Disabilities, Minnesota Elementary School Principals Association, Minnesota Local Public Health Association, Minnesota Medical Association, Minnesota Public Health Association, Minnesota Safe Routes to School Network, Minnesota Secondary School Principals Association, Minnesotans for Healthy Kids Coalition, Princeton Public Schools, Transit for Livable Communities, Twin Cities Medical Society and Youth Determined to Succeed, Inc.

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Note to reporters and editors: A video on the benefits of Safe Routes to School to Minnesota students can be seen at http://www.youtube.com/watch?v=dq_Sbx61GvA

Susan Howl

From: Lynette Biunno on behalf of Edina Mail
Sent: Monday, April 01, 2013 9:38 AM
Cc: Susan Howl
Subject: FW: Mayor Hovland and City Council Members

Lynette Biunno, Receptionist
952-927-8861 | Fax 952-826-0389
lbiunno@EdinaMN.gov | www.EdinaMN.gov
...For Living, Learning, Raising Families & Doing Business -----Original Message-----
From: dede skold [mailto:dedskold@gmail.com]
Sent: Sunday, March 31, 2013 3:54 PM
To: Edina Mail
Subject: Mayor Hovland and City Council Members

Dear Mayor Hovland and City Council Members, I would appreciate it if you would consider my comments prior to your April 2nd meeting.This is concerning plans for housing on W. 49th street.
There needs to be a great deal of modification to this plan. It is way to dense .The front buildings tower over the neighbors across the street.The flat roof, row house, fortress architecture has nothng to do with the charm and character of our neighborhood.
We would lose beautiful trees and a lot of rolling green space.What would we gain?
Please consider that there must be someone that can come up with a better plan!
Thank you for your time and consideration.

Sincerely,
Doris Skold
5101 Millpond Place, Edina (resident for 61 years!)
(952)929-7163
dedskold@gmail.com

Susan Howl

From: Lynette Biunno on behalf of Edina Mail
Sent: Friday, March 29, 2013 2:06 PM
Cc: Susan Howl
Subject: FW: FAA Update

Lynette Biunno, Receptionist
952-927-8861 | Fax 952-826-0389
lbiunno@EdinaMN.gov | www.EdinaMN.gov
...For Living, Learning, Raising Families & Doing Business -----Original Message-----
From: Peter Kaiser [mailto:pmkaiser100@icloud.com]
Sent: Friday, March 29, 2013 2:02 PM
To: Edina Mail
Subject: FAA Update

Hello Jim,

I have been active in the fight against the FAA and MAC and their plan to route planes over several of the homes I own in Edina.

You and I spoke briefly at the MAC meeting at the airport and at the meeting in the State building in St. Paul.

At that last meeting it appeared as if the MAC representative understood that Edina wasn't represented in the initial decision to skewer Edina through the Country Club neighborhood and Rolling Green plus the two country clubs.

I had great confidence following that meeting that you had things well in hand and they would rethink the path over the most expensive real estate in Edina.

Today the Star and Trib published an article that sounded somewhat alarmist at first glance. They said the FAA was proceeding with RNAV. It sounded like they were saying that the original paths would be used but a careful read shows that they just said it is inevitable at some point, which everyone assumes.

I had hoped that they would reconsider their path and not have such a costly path.

Do you have any additional information on this?

Has a path been decided upon?

Do you have any idea as to dates for initiation?

I appreciate having you on our team and look forward to hearing from you.

Thanks

Peter Kaiser
President/CEO
Innovative Computer Software

Sent from Peter's iPad

March 17, 2013

Honorable James Hovland, Mayor
City of Edina
4801 West 50th Street
Edina, MN 55424

re: Construction Management Plan

Dear Mayor Hovland:

This is the third letter to you on the subject of Neighborhood Revitalization in Edina. My March 14, 2013 addressed the critical importance of revitalization to the municipality and to the community. My March 16, 2013 letter responded to contentions of revitalization opponents. This letter comments on the Construction Management Plan, and in particular the joint City Council-Planning Commission working session of March 5th.

Everyone agrees that construction unavoidably places a heavy burden on neighbors. This can be unnecessarily made worse by abusive practices. Thoughtless behavior of some builders, subcontractors and individual tradesmen is not something that is recent, or occurring only in Edina. So the issue is not that these practices should be minimized but rather whether sweeping proposed prescriptions under the rubric of construction management are so draconian as to be counterproductive.

Before offering insights on construction management, it will be useful to provide context, observations about the recent change in tenor on the part of the municipality. This new temperament is surprising to those of us who have lived here for decades and find it uncharacteristic of the Edina values we know.

- One difference is an evident rush to regulate. After imposing new zoning restrictions just a few years ago, now a small group of activists is pushing for even more, without any municipal study of their effect on construction, and thus community reinvestment. The construction management plan is even more baffling. It only became effective in December and no one yet knows the effects of these additional rules and conditions. Yet in Tuesday's meeting the working group was already considering even more regulation. Now we find a revised ordinance has been drafted for council approval on March 19th. Why such speed? And where were the public hearings?

- A second difference in tenor is a demonization of private initiative. Given Edina's historic self-image as businesslike, both in the occupations of its many citizens and in how the municipality is run, this is astonishing. There is an obvious bias against homebuilders, whose positions are dismissed by activists –

supported by some members of the Council and Planning Commission – as profit driven, and therefore not worth consideration. Many of our local homebuilders are long-time Edina residents/taxpayers and naturally resent being cast as second-class citizens.

As a consequence, the various working groups have only a limited understanding of revitalization in Edina. A self-appointed neighborhood subcommittee meeting with five builders is not a seat at the municipal table for builders.

Nor have the City's revitalization deliberations included any recent homeowners at the table – no first-hand insights about experiences and motivations of those who know more than anyone about these private-re-investment decisions. Apparently owners of new or transformed million-dollar properties are also second-class citizens.

At present the City has already instituted responses to abusive construction practices, from street blockage to jobsite appearance, to damage to public and private property. Citing the most egregious examples, revitalization opponents continue pressing for ever-more conditions and requirements. We do not yet know whether the December construction management regulations are cost-effective, or even effective at all. Certainly it is premature to contemplate very expensive additional provisions like full-yard fencing, a $10,000 letter of credit, hefty new permit fees,new City Indemnification requirements, criminal penalties, and much more.

Moreover, by excluding work on Sundays and holidays, the municipality would handicap do-it-yourself property owners for whom these days off are essential for work on their own homes. No doubt if so excluded, they would find time to express their feelings to the City Council.

The underlying anti-revitalization message is to raise administrative and regulatory costs to these homeowners in every way possible. They have no choice, they'll always buy or re-invest in Edina no matter what.

This glib assertion is flawed.

We already see the effects of flow, where new-home activity moves from currently hot Edina neighborhoods to others which have not yet experienced significant revitalization. We can assume that at some point, flow will extend beyond the City's borders if building here becomes too onerous or costly. The West Metro offers many desirable neighborhood alternatives.

Moreover, since housing affordability is usually based on mortgage payments, when interest rates rise, as they must from today's ultra-low level, the million-dollar buyer can quickly become a $500,000-600,000 buyer. Stacking up administrative costs and fees will lower long-term property tax revenues because additional front-end costs beyond brick-and-mortar do not add to taxable property value.

Three directions are promising at present. First, the City must consciously evaluate the effectiveness of the December construction management regulations. Municipal actions cannot be based on angry anecdotes, if for no other reason that they are less-defensible to legal challenges. For instance, despite contentions to the contrary, police and staff do respond effectively to problems, in the case of police calls in a matter of minutes.

Second, rather than broad-brushing all homebuilders, the minority abusers should be identified and penalized as repeat egregious offenders. We do not ticket all drivers, only those who break the speed limit.

And third, the City needs to think through cost-benefits with a longer-term perspective. As noted in the March 14, 2013 letter, those who reinvest in our community by building new homes or transforming existing homes pay ten-of-millions in additional property taxes over the years. Is it consistent to extract every nickel of possible municipal costs from Edina homeowners while the entire community benefits and their increased taxes enable the City to float a loan to an Indianapolis corporation to help pay for upgrades to their commercial property?

The reality is that construction is noisy, messy, and disruptive to adjacent residents. But citizens are net beneficiaries long term for the inconvenience. There are egregious abusers of the circumstances as there always has been, but enforcement efforts should be directed at them particularly, not those who do not cause the bulk of problems – and indeed who undertake the essential revitalization of our community.

Sincerely,

Lon Oberpriller
President
The Replacement Housing Services Consortium, LLC

cc: Edina City Council
Edina Planning Commission

enclosures: Current required Construction Management Plan (CMP) agreement
Proposed Demo Ordinance (as an amendment to Construction Management Plan)

CONSTRUCTION MANAGEMENT PLAN FOR

Project Name & Site Address Number	QR Code	(For Office Use Only) Permit Number

The construction on this site will follow normal industry and City accepted construction methods for a project of this type. Specific items of concern will be addressed as noted below. Any references to start date or duration of specific items are estimated and included only for reference. Construction management plans can also be found at: www.EdinaMN.gov

The undersigned hereby acknowledges that they are responsible for complying with the below conditions.

_____ _____

Signature of Developer Date

Developer: _____
Address: _____
Phone: _____
Email Address: _____

_____ _____

Signature of Contractor Date

Site Contractor: _____
Address: _____
Phone: _____
Email Address: _____

1. The estimated construction start date is _____.
   The estimated completion date is _____.

2. Construction activities will be scheduled during the hours of 7:00 am to 9:00 pm Monday through Friday; and 8:00 am to 7:00 pm Saturday, Sunday and holidays per Section 1040.03 of the Edina City Code

3. Before work begins on the site, a Contractor sign must be installed identifying the Contractor company name, a contact name and phone number and the site address. The sign may not exceed six (6) square feet in a single-family residential zoning district, and thirty-two (32) square feet in high density residential, commercial or industrial areas. A copy of this document must also be attached to the sign. The City can provide a laminated copy of this document.

4. The Contractor is responsible for repairing any damage to public streets or adjacent properties. The Contractor shall provide pictures of the existing condition of the curb, sidewalk and street, and any boulevard or border trees adjacent to the property prior to construction. When damage occurs or if pavement is disturbed, in must be repaired within three (3) working days unless the Contractor has received written permission from city staff to

delay repairs to a later specified date. The Contractor shall obtain written permission from the city engineer to block any roadways during any portion of the project.

5. Edina Ordinance 1400.10 Parking, Stopping and Standing, Loading shall apply as follows: No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places: a. On a boulevard between sidewalk and roadway; b. Within five feet of the intersection of any public or private driveway or alley with any street or highway; c. In any place where the vehicle will block a fire escape or the exit from any building; or d. In any place where temporary signs prohibit parking as long as the signs are in place. Street parking is allowed on Local Streets as long as a minimum of a twelve-foot (12') wide area is open for the traveled portion of the road, unless otherwise authorized by the city engineer. On streets Collector or Arterial Roadways, a minimum of twenty-two feet (22') must be open for the traveled portion of the road. The Contractor shall encourage off-street and off-site parking to workers on site.

6. Minnesota State Law requires a five-foot (5') parking setback from driveways and a thirty-foot (30') setback from intersections. When parking on a street, a vehicle must be completely located on the street surface, parallel to and within 12 inches of the curb.

7. The Contractor shall keep the site, all streets, all sidewalks, boulevard areas and adjacent propertiesclean from waste, materials or refuse resulting from his operations on the site. Equipment not usable on the work site shall be promptly removed and the site shall be maintained in a neat and orderly condition at all times. All empty cans, paper, plastic, etc. that is not needed for construction shall be removed and cleaned from the site every evening prior to leaving the construction site. Where work on any project lies within areas of pedestrian traffic and/or vehicular traffic the project area will be cleaned and swept and all materials related to the project will be stockpiled in appropriate areas. No materials may be deposited or stockpiled on the public streets, boulevards or sidewalks. At the end of each working day, the Contractor shall remove any soil that washed or was deposited on any public sidewalk or street and shall remove any trash or debris that washed or was deposited on any public property. No dumpsters, portable toilets, building materials, or equipment may be stored on a public street, sidewalk, or boulevard area.

8. Tracking of dirt onto public roads during hauling and general day-to-day construction operations will require periodic cleaning of these roadways. Scraping and vacuum assisted sweeping or a combination may be required. Power brooms or "sidewinder" type devices are not acceptable for cleaning of the roadway.

9. Any sediment tracked onto City streets or sidewalks; or onto streets that drain into storm sewer systems shall be kept clean by the Contractor; sediment shall be removed within 12 hours of discovery. If the Contractor fails to remove all of the tracked sediment from streets the City shall remove any sediment at the Contractor's expense.

10. The site will have proper erosion and sediment control and will be adequately maintained on a continual basis to contain on-site erosion and protect on and off-site vegetation, as shown on City approved erosion control plans. Contractor must protect all storm drain inlets with sediment capture devices prior to soil disturbing activities that may result in sediment laden storm water runoff entering the inlet. The Contractor shall provide effective storm

drain inlet protection over the life of the Project until all surfaces with potential for discharging sediment to an inlet have been stabilized. The Contractor is responsible for preventing or minimizing the potential for unsafe conditions, flooding, or siltation problems. For example, devices must be regularly cleaned out and emergency overflow must be an integral part of the device to reduce the flooding potential; and devices must be placed such that driving hazards or obstructions are not created.

11. The Contractor shall clean, remove sediment, or replace storm drain inlet protection devices on a routine basis such that the devices are fully functional for the next rainstorm event. Removal and disposal of trapped sediment in inlet protection devices shall be incidental to the Project. Sediment deposited in and/or plugging drainage systems is the responsibility of the Contractor and shall be removed at no expense to the Department.

12. The Contractor and all subcontractors will install and maintain a rock entrance pad or its equivalent, or similar surfaces, at each location where vehicles enter or exit from the construction site, as shown on the approved plan.

13. All debris will be contained on the project site. A regularly scheduled trash removal service shall be hired to remove this debris. Dumpsters and containers with an individual capacity of 1.5 cubic yards (40.5 cubic feet) or more shall not be stored in buildings or placed within 5 feet of combustible walls, openings or combustible roof eave lines, unless the area containing the dumpster or container is protected by an approved automatic sprinkler system. Structures of Types I and II fire-resistive construction used for dumpster or container storage located not less than 10 feet from other buildings.

14. Building materials will be delivered to the site within the working hours listed in #2 above, on an as-needed basis, thus keeping large material stockpiles located on the site to a minimum.

15. Dust control is the responsibility of the on-site Contractor. The Contractor shall be required to respond to any verbal notice from the City regarding dust control and respond appropriately within one (1) hour from the time of notification.

16. No building material, port-o-potty, or dumpster may be placed within street right-of-way. Public sidewalks must be left open and unobstructed.

17. When practical, protective fencing shall installed around all boulevard trees and or trees along lot lines that are intended to be saved.

REPORT / RECOMMENDATION

To: MAYOR AND CITY COUNCIL **Agenda Item #:** VIII. B.

From: Scott H. Neal, City Manager

Action ☒
Discussion ☐
Information ☐

Date: March 19, 2013

Subject: Ordinance No. 2013-3 Amending Chapter 4 Concerning Demolition Permits For Single And Double Dwelling Units

Action Requested:
Adopt Ordinance No. 2013-3 Amending Chapter 4 Concerning Demolition Permits For Single And Double Dwelling Units.

Information / Background:
At its February 19 City Council meeting, the Council directed staff and City Attorney to review the City's "Construction Management Plan" (CMP) document and procedures in order to evaluate the overall use and effectiveness of the CMP in regulating residential redevelopment projects. I worked with City Attorney Knutson and City staff leadership on that review, which has resulted in a proposed new regulatory ordinance and enforcement plan. I distributed a draft of the proposed ordinance and enforcement plan to the Council at the March 5 Council meeting and informed the Council of my intent to advance the ordinance to the Council for adoption at the March 19 Council meeting. The material changes in City Code and enforcement strategy can be summarized as follows:

New Regulatory Ordinance - Ordinance 2013-3 is attached to this memorandum. The City Attorney drafted the new ordinance based on the current Construction Management Plan (CMP). The attached draft has been reviewed by City staff and is ready for review and adoption by the City Council. Generally, it incorporates the terms of the CMP into Chapter 4 of the City Code, which gives the City a fully enforceable CMP that is backed by the authority of our City Code.

Ordinance 2013-3 will more strongly leverage the issuance of the demolition permit. A demolition permit will not be issued unless the permit applicant can demonstrate ownership of the property. Ordinance 2013-3 requires a number of new conditions that must be satisfied before the issuance of the demolition permit. Some of those new conditions include:

1. Proof of insurance; naming City as additional insured
2. Submission of $10,000 cash escrow or letter of credit
3. Submission of soil investigation report
4. Submission of storm water management and erosion control plans
5. Submission of photography of existing conditions in neighborhood

6. Submission of proposed building plans to the Building Official
7. Facilitation of a neighborhood meeting to share building plans with neighbors

New Enforcement Plan – The City's enforcement response to the quality of life issues created by residential redevelopments has been a somewhat passive. Staff responded to calls for service, but did not actively monitor redevelopment sites for compliance. We depended on neighbors and interested residents to assist us with that function. Also, requests for enforcement came to the City in an uncoordinated manner. The City's enforcement actions were also not coordinated well. As I expect the pace and volume of residential redevelopment to increase in Edina, I believe it is necessary to shift our enforcement strategy from passive to active enforcement and also to better coordinate our regulatory enforcement functions. My plan to accomplish both of these objectives is to focus the responsibility and accountability for managing the City's regulatory enforcement duties into a single new fulltime enforcement employee (FTE). The new FTE will be responsible for coordinating all aspects of the residential redevelopment process for builders, potential new residents, current residents and City staff. The new FTE will also coordinate the pre-permit neighborhood meeting; conduct site reconnaissance; answer questions from concerned residents; coordinate City enforcement actions; and keep City staff and Council informed through the redevelopment process.

I estimate the cost of this new enforcement initiative to be approximately $100,000 per year. In order to fund this new FTE, I recommend the City increase the price of the demolition permit from its current price of approximately $200 to $1,500. City staff are projecting the City will issue a total of 100 demolition permits in 2013. If we issue 70 permits under the new permit price, we will be able to cover the cost of the new FTE through this new revenue source. The price change for this permit is included in Ordinance 2013-3.

SUMMARY

The challenge the City is facing with residential redevelopment is not insurmountable. It is a challenge we should welcome because of what is says about the desirability of the community. I believe the City can manage its residential redevelopment challenges better if we, as Council and staff, are willing to change our approach to the challenge. I recommend the City Council approve the proposed new regulatory ordinance and the new enforcement plan, which includes full adoption of Ordinance 2013-3 at the March 19 City Council meeting. If adopted by the Council, staff will immediately begin the search process for the new FTE; begin communicating our new standards to residents, builders and developers; and begin the drafting of new policies and procedures to implement the new ordinance requirements.

ORDINANCE NO. 2013-3
AN ORDINANCE AMENDING CHAPTERS 1 AND 4
OF THE EDINA CITY CODE CONCERNING
DEMOLITION PERMITS FOR SINGLE AND DOUBLE DWELLING UNITS

THE CITY COUNCIL OF EDINA ORDAINS:

Section 1. Chapter 4 of the Edina City Code is amended by adding Section 411 to read:

Section 411 – DEMOLITION PERMITS FOR SINGLE AND DOUBLE DWELLILNG UNITS

411.01 **Purpose.** The demolition of single or double dwelling units and the subsequent construction of a new dwelling unit can disrupt the quietude of the neighborhood, damage adjacent public and private property, create storm water and erosion problems, and result in littering and other nuisances. The purpose of this Section is to prevent problems associated with the demolition of single and double dwelling units and the construction of new dwellings.

411.02 **Permit.** The demolition of single or double dwelling units is prohibited without a permit issued by the Building Official.

411.03 **Demolition Defined.** Demolition is defined as removal or destruction of more than fifty percent (50%) of the area of the exterior walls (in aggregate); or the removal or destruction of more than fifty percent (50%) of the area of the principal roof structure (not including roofing material, fascia, soffit, eave moldings, or dormers).

411.04 **Permit Application.** The applicant must complete the application form provided by the City, pay the permit fee and furnish the City with the certificate of insurance, letter of credit, photographs and plans required by this Section. The application must be signed by the contractor and the property owner. The permit holder must be both the contractor and the property owner.

411.05 **Permit Requirements.**

Subd. 1 The applicant must furnish the City with a certificate of insurance satisfactory to the City evidencing the following required coverage:

Commercial general liability, including XCU coverage:

Bodily Injury:	$2,000,000 each occurrence $2,000,000 aggregate products and completed operations
Property Damage:	$2,000,000 each occurrence $2,000,000 aggregate

Comprehensive Automobile Liability (owned, non-owned, hired):

Bodily Injury:	$2,000,000 each occurrence

$2,000,000 each accident

Property Damage: $2,000,000 each occurrence

The minimum insurance coverage must be maintained until six (6) months after the demolition has been completed or, if a new dwelling is being constructed, a certificate of occupancy has been issued. The City must be named as an additional insured.

Subd. 2 The applicant must furnish the City a cash escrow or letter of credit from a bank in a form acceptable to the City's Finance Director for Ten Thousand ($10,000) Dollars. The City may draw on the letter of credit to reimburse the City to pay for the repair of damage to public and private property or to remedy any permit violation. The letter of credit must remain in place until the demolition is completed or, if a new dwelling is being constructed, until a certificate of occupancy has been issued by the Building Official.

Subd. 3 If excavation will occur within ten (10) feet of a property line, the applicant must furnish a soils investigation report prepared and signed by a registered professional engineer, who is competent in soil mechanics. The report must provide detailed plans to ensure that adjacent property will not be damaged by reducing lateral support for driveways, foundations, fences or lawns caused by excavation, demolition or construction activity. The report must be approved by the Building Official. The permit holder must adhere to the approved plan.

Subd. 4 The applicant must submit stormwater and erosion control plans prepared and signed by a registered professional civil engineer. The plans must be approved by the Building Official and the permit holder must adhere to the approved plans. The stormwater management plan must detail how stormwater will be controlled to prevent damage to adjacent property and adverse impacts to the public stormwater drainage system. The erosion control plan must document how proper erosion and sediment control will be maintained on a continual basis to contain on-site erosion and protect on and off-site vegetation. Permit holder must protect all storm drain inlets with sediment capture devices at all time during the project when soil disturbing activities may result in sediment laden storm water runoff entering the inlet. The permit holder is responsible for preventing or minimizing the potential for unsafe conditions, flooding, or siltation problems. Devices must be regularly cleaned out and emergency overflow must be an integral part of the device to reduce the flooding potential. Devices must be placed to prevent the creation of driving hazards or obstructions.

Subd. 5 The applicant must provide photographs of the existing condition of the property, curbs, sidewalks, streets, boulevard and trees adjacent to the property.

Subd. 6 If a new dwelling will be constructed on the site, the applicant must furnish the City building plans for the new dwelling, meeting all ordinance requirements, which have been approved by the Building Official.

Subd. 7 At least fifteen (15) days before demolition commences, the permit holder must provide written notification to all property owners within three hundred (300) feet of the demolition site notifying the property owners of the proposed demolition and construction plans, if applicable, and inviting them to a neighborhood meeting at the

Edina City Hall. The neighborhood meeting must be held at least five (5) days before demolition commences. A sign must also be posted on the demolition site at least five (5) days before demolition commences identifying the permit holder, a contact name and phone number, and the site address. The sign must also provide a City phone number to call with any questions, complaints or concerns. The sign may not exceed six (6) square feet. The sign must be kept in place until the completion of demolition or if a new dwelling is being constructed until a certificate of occupancy is issued for the dwelling being constructed.

411.06 **Permit Standards.**

Subd. 1 The permit holder must comply with the State Building Code, State Statutes and the City Code.

Subd. 2 Deliveries of equipment and material to the site, work crews on site and construction and demolition activity are prohibited except between the hours of 8:00 a.m. and 9:00 p.m. Monday through Friday.

Subd. 3 The permit holder must repair any damage to public property, streets, sidewalks and adjacent properties. If damage occurs to the foregoing, it must be repaired within three (3) working days, unless the permit holder has received written permission from the Building Official to delay repairs to a later specified date.

Subd. 4 Permit holder must maintain a five-foot (5') parking setback from driveways and a thirty-foot (30') parking setback from intersections. When parking on a street, a vehicle must be completely located on the street surface, parallel to and within twelve (12) inches of the curb. Vehicles in violation of these requirements may be towed in accordance with Minnesota Statutes § 168B.035. On street parking of equipment other than motor vehicles is prohibited. Stopping, standing or parking a vehicle is prohibited, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:

a. On a boulevard between the sidewalk and roadway;

b. Within five (5) feet of the intersection of any public or private driveway or alley with any street or highway;

c. Where the vehicle will block a fire escape or the exit from any building;

d. Where temporary signs prohibit parking.

Parking is allowed on local streets if a twelve-foot (12') wide area is open for the traveled portion of the road. On collector and arterial roadways, a minimum of twenty-two feet (22') must be open for the traveled portion of the road. Off-street and off-site parking for on site workers is required to the extent practicable.

Subd. 5 The permit holder must install and maintain a rock entrance pad or its equivalent at each location where vehicles enter or exit from the construction site, at locations approved by the Building Official.

Subd. 6 The site must be maintained in a neat and orderly condition. Prior to leaving the construction site at the end of each day, permit holder must remove empty cans, paper, plastic and other material that is not needed for construction. The permit holder must keep, streets, sidewalks, boulevard areas and adjacent properties clean from waste, materials or refuse resulting from operations on the site. Inoperable equipment and equipment not being used on the site must be removed within twenty four (24) hours. Where work on any project lies within areas of pedestrian traffic or vehicular traffic, the project area must be cleaned and swept and all materials related to the project must be stockpiled in appropriate areas. Debris must be contained on the project site. No material may be deposited or stockpiled on the public streets, boulevards or sidewalks. At the end of each working day, the permit holder must remove any soil, trash or debris that washed or was deposited on any public sidewalk or street and must remove any trash or debris that washed or was deposited on any adjacent property.

Subd. 7 Dust control is the responsibility of the permit holder. The permit holder must eliminate dust problems within one (1) hour of receiving notice from the Building Official that there is a dust problem.

Subd. 8 No building material, temporary sanitary facilities, dumpster or equipment other then motor vehicles may be placed within street right-of-way, or on a sidewalk. Public sidewalks must be left open and unobstructed at all times.

Subd. 9 Prior to commencing demolition, protective fencing approved by the Building Official must be installed around boulevard trees and trees that will not be removed.

411.07 **Stop Work Orders.** If the Building Official finds any work being performed in a dangerous or unsafe manner or that is in violation of the provisions of the permit, City Code or the State Building Code, the Building Official may issue a stop work order. The stop work order must be in writing and issued to the permit holder or the person doing the work. Upon issuance of a stop work order, the cited work must immediately cease. The stop work order must state the reason for the order and the conditions under which the cited work will be permitted to resume.

411.08 **Misdemeanor.** Violations of this Section or of the terms of approval of a permit issued under this Section are a misdemeanor.

Section 2. Chapter 1 of the Edina City Code is amended by adding the following fee:

Section	Subsection	Purpose of Fee or Change	Amount
411	411.04	demolition permit for single and double dwelling Units	$1,500.00

Section 3. This ordinance is effective upon its passage and publication.

First Reading:

Second Reading:

Published:

Attest _____ _____

Debra A. Mangen, City Clerk James B. Hovland, Mayor

Please publish in the Edina Sun Current on:

Send two affidavits of publication

Bill to Edina City Clerk

March 16, 2013

Honorable James Hovland, Mayor
City of Edina
4801 West 50th Street
Edina, MN 55424

Re: Revitalization Opposition

Dear Mayor Hovland:

As an adjunct to my Neighborhood Revitalization letter to you of March 14, 2013, the following comments address the MNA subcommittee report of February 28, 2013.

Revitalization opponents have agitated for ever-more regulation and additional restrictions over the past several years. The subcommittee report is the latest of these efforts. In significant respects this is the most-radical opposition proposition in its potential negative effects on future neighborhood revitalization in Edina.

Unrepresentative The subcommittee proposes additional city-wide zoning/building code restrictions based on "conversations" among about 50 people (plus interviews with builders, staff, etc.) – that is half the number of new houses built in Edina last year. These people are a statistically small percentage of the population of Morningside neighborhood, and a tiny percentage of upwards of 50,000 Edina residents whom this subcommittee in effect purports to represent.

Generic The fundamental city-planning truth is that every situation is unique. Not only does every Edina neighborhood differ from all others in some ways, but situations can differ materially within any one neighborhood. The committee memo's implication that, say, all 50'-wide lots are the same is ungrounded in reality.

Simplistic Every neighborhood has a distinctive personality and values established by its residents over decades. Physical characteristics are only part of this singular mix of influences, preferences, and experiences. Since everything in a neighborhood is interconnected with everything else, tinkering with seemingly minor code formulas could unravel important neighborhood qualities.

Untested The committee proposal offers no modeling. Site planning requires highly experienced professionals because in tight conditions even a single foot can make the difference between workable and non-functional – for instance in parking-lot layouts. A table of proposed new setback restrictions is an empty exercise without modeling to assess its design implications.

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MN RESIDENTIAL BUILDING CONTRACTOR LICENSE NO. BC643121

Unrealistic The market determines viability. Municipalities can regulate downwards but that does not mean that people will still buy the result, what to them is a deficient house by current standards. Of course without modeling, there is no way of knowing what can realistically be built, much less who if anyone would invest in such a house. The market itself measures, regulates, and enforces.

Overreaching The committee seems to be energized by the prospect of widespread regulation. Somehow the topic of reducing house lot coverage has broadened to the need for an ordinance regulating the maintenance of trees on private property. Edina traditions may be unfamiliar to committee members, since over the past century the municipality has characteristically erred on the side of under-regulating.

Irrelevant The committee's proposal is largely a grab bag of conventional notions pasted on from a variety of sources, few if any pertinent to the issue supposedly at hand. To wit: houses of any size can have low-flow showerheads and ceiling fans, and thus qualify as "sustainable" by the committee's definitions. And more-expensive, that is larger, houses are more likely to be built of better, more durable materials.

Overall, the sense of the committee proposal is that Morningside should be like Linden Hills. And that Edina should be the Fourteenth Ward of Minneapolis. Of course, every community and every neighborhood within every community ideally evolve in their own best direction. Trying to be like someplace else is fruitless.

It is disappointing that endorsement and encouragement by members of our own planning commission have contributed to the media perception that the committee's ideas represent a spontaneous outpouring of grievances and of universal concerns from all citizens of Edina.

This is hardly the case, as city records show in excess of 100 new-house permits last year, and many more major remodels. These hundreds of homeowners have voted with their checkbooks for a revitalizing community . Few of these people to date have weighed in on this issue. They are largely unaware of the potential risks to their equity investments. Once alerted, they represent a large and economically powerful constituency that can quickly become a force for revitalization that is presently only nascent.

Going Forward

We should set aside negativism and reflexive regulation in addressing Edina's future. There are useful available directions with respect to neighborhood revitalization.

We must first appreciate that change is constant. Forever. And now that Edina is built out, change will occur in built-up neighborhoods. There may be a misperception that all we need to do is pass a new, more-restrictive ordinance and we have fixed the problem. But the "problem," that is, change, is never going away. Ordinances that try to lock in a regulatory answer to what is always a fluid situation are missing the point. The question is whether inevitable, unstoppable change is positive, resulting in the continual revitalization of our community; or whether essential reinvestment is retarded.

Planning and Design My March 14 letter to you observed that the market enforces harsh penalties on bad or excessive building practices. Understandably, many homebuyers do not really understand this. That is why widely available education about how the local market works would be highly useful to both homebuyers and the community.

Zoning
The elephant in the room is that the municipal code is obviously inadequate for the Edina of the present, much less the future. This is not a matter of more regulating, but rather of a different kind of code, one that sets out what the community is trying to be (rather than to protect against a universe of unknowns), and also accommodates the many singular situations through the city. All R-1s are not the same.

Zoning is a highly sophisticated planning specialty. Unfortunately, when municipalities engage national zoning consultants, they commonly end up with generic codes – one city fits all – or are provided with the current planning fashion, today the so-called form-based codes.

While local planning consultants may be happy to write a new code, this is not something for a generalist. Indeed, only one metro-area consultant is qualified to devise a specific code for a city the size and complexity of Edina. So the immediate zoning issue is not devising a new code, but first carefully understanding what the city needs and the then how to go about accomplishing those needs without wasting public funds.

Thank you for this opportunity to share these observations.

Sincerely,

Lon Oberpriller
President
The Replacement Housing Services Consortium, LLC

cc: Edina City Council
Edina Planning Commission

Enclosures: Morningside Neighborhood Association subcomittee report: Residential Zoning Codes
Speak Up Edina Forum: Excerpts of citizen commentary on Residential Redevelopment

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To: Edina City Council and Planning Commission

From: Morningside Neighborhood Association subcommittee

Re: Residential zoning code

Date: February 28, 2013

The Morningside Neighborhood Association held a neighborhood conversation on residential reconstruction in October 2012. More than 50 residents attended. The steering committee prepared a summary of the meeting, which was distributed in November (attached), and formed a subcommittee to follow up on the discussion.

The subcommittee focused its attention on residential zoning code and the Construction Management Plan (CMP). Our recommendations on the CMP were distributed to the Planning Commission and City Council on February 5, 2013.

The attached recommendations relate to the City's residential zoning code. These recommendations were developed by the subcommittee and are currently being reviewed by the steering committee. The process used by the subcommittee to develop these recommendations included:

- Reviewed residential zoning code of Edina and other communities;
- Met with five builders (Dan Murphy of Kuhl Design and Build, Dave Allen of City Homes, Lon Oberpriller of Replacement Homes, Dave Pinske of David Pinske Design and Build, and Mike Pearson and Morningside Builders);
- Met with Cary Teague and Kris Aaker in Planning and Community Development;
- Met with Steve Kirchman in Building Inspections;
- Met with members of the Planning Commission subcommittee on residential zoning;
- Attended both public input sessions on residential construction;
- Additional small group and individual meetings with interested residents

In any discussion on residential zoning, there are likely to be a variety of views. There are residents who want to see more restrictive residential zoning code and residents who do not. Our goal was to balance these divergent perspectives and make practical recommendations that not only address the concerns raised at the October meeting, but also simplify the code and plan review.

We would be happy to meet to go over the recommendations and answer any of your questions. Please contact us at edina.morningside@gmail.com. Thank you.

RECOMMENDATIONS — Lots less than 75' wide, unless specified

The following recommendations apply to lots less than 75' wide, unless specified. For background on the issues these recommendations will address, please see the October 2012 MNA meeting summary.

Increase interior side yard setback

Recommendations

1. For lots 63' wide and less: 16' aggregate, with 6' minimum on one side
   For lots 64' – 66' feet wide: 16' aggregate, with 7' minimum on one side
   For lots 67' – 69' wide: 8' each side (16')
   For lots 70' – 72' wide: 9' each side (18')
   For lots 73' wide and over: 10' each side (20')
2. Apply same interior side yard setbacks to attached garages and other attached accessory structures
3. Delete requirement to increase interior side yard setback by six inches for each one foot building height exceeds 15' (lots 9,000 sq. ft. and less only)
4. Delete requirement to increase interior side yard setback by four inches for each one foot lot width exceeds 60' (up to 75')
5. Delete alternate setback rule

Benefits

1. Increases minimum interior side yard setbacks on narrow lots
2. Addresses resident concerns
3. Flexibility on narrowest lots
4. Simplifies setbacks/simplifies plan review
5. Increases transparency and neighbor notification by requiring all non-conformities to seek variance

See tables next page

Table 1
Current Interior Side Yard Setbacks

Lot Width	Current Interior Side Yard Setback[1]
60' and under	5' each side
61'	5' 4" each side
62'	5' 8" each side
63'	6' each side
64'	6' 4" each side
65'	6' 8" each side
66'	7' each side
67'	7' 4" each side
68'	7' 8" each side
69'	8' each side
70'	8' 4" each side
71'	8' 8" each side
72'	9' each side
73'	9' 4" each side
74'	9' 8" each side
75' and over	10' each side

[1] Does not include additional setback for building height over 15'

Table 2
Proposed Interior Side Yard Setbacks

Lot Width	Proposed Interior Side Yard Setback
63' and under	16' aggregate, with 6' minimum
64' – 66'	16' aggregate, with 7' minimum
67' – 69'	8' each side (16')
70' – 72'	9' each side (18')
73' and over	10' each side (20')

Reduce building height

Recommendations

1. Cap at 30' to the ridge, measured from the first floor elevation
2. Delete measurement to midline

Benefits

1. Decreases overall building height to reduce mass and impact on neighboring properties
2. Simplifies measurement—height is measured from a constant (first floor elevation rather than average grade. Code prohibiting raising first floor more than 1' to stay)
3. Simplifies code and plan review—eliminates complexity of measuring to midline on different roof styles

Reduce lot coverage

The majority of original homes in Morningside were constructed before 1970. Lots were platted for the size of home built or anticipated to be built at the time of the plat. In 1950, the average size of a single family home was 983 sq. ft. In 2011, the average size of a single family home was 2,480 sq. ft.—a 152% increase.[1]

A new home in Morningside can be two or more times larger than the home it replaced. The smaller the lot, the greater the possible impact of the larger house on its neighbors. The impacts most often stated are loss of light, air, and privacy, and drainage concerns.

Recommendations

On lots less than 9,000 sq. ft. in area:

1. Reduce lot coverage to 25% (making it the same as for lots 9,000 sq. ft. and over)
2. Cap lot coverage at 1,875 sq. ft. (in practice, applies only to lots more than 7,5000 sq. ft. and less than 9,000 sq. ft.)
3. Allow bonus 400 sq. ft. for detached rear garage

Benefits

1. Small reduction in lot coverage with attached garage
2. No reduction in lot coverage with bonus for detached garage

See Tables 4 - 7

[1] http://css.snre.umich.edu/css_doc/CSS01-08.pdf

Table 4 — Comparison of 30% and 25% lot coverage[1]

Dimension	Area	30%	25%	Difference
50 x 100	5,000	1,500	1,250	-250
50 x 120	6,000	1,800	1,500	-300
50 x 150	7,500	2,250	1,875	-375
50 x 200	10,000	NA	2,500	0
60 x 100	6,000	1,800	1,500	-300
60 x 120	7,200	2,160	1,800	-360
60 x 150	9,000	NA	2,250	0
60 x 200	12,000	NA	3,000	0
70 x 100	7,000	2,100	1,750	-350
70 x 120	8,400	2,520 (2,250 with cap)	2,100	-150
70 x 150	10,500	NA	2,625	0
70 x 200	14,000	NA	3,500	0

[1] Lot coverage is "the percentage of the lot area occupied by principal and accessory buildings and structures, including without limitation, patios." Lot coverage can, but does not necessarily, equal interior square footage.

Table 5 — 25% lot coverage with 1,875 cap and bonus 400 sq. ft. for detached garage

Dimension	Area	25%[1]	1,875 Cap[2]	400 sq. ft. garage bonus	Lot coverage with bonus[3]
50 x 100	5,000	1,250	NA	1,650	33%
50 x 120	6,000	1,500	NA	1,900	32%
50 x 150	7,500	1,875	NA	2,275	30%
50 x 200	10,000	2,500	NA	NA	25%
60 x 100	6,000	1,500	NA	1,900	32%
60 x 120	7,200	1,800	NA	2,200	31%
60 x 150	9,000	2,250	NA	NA	25%
60 x 200	12,000	3,000	NA	NA	25%
65 x 100	6,500	1,625	NA	2,025	31%
65 x 120	7,800	1,950	1,875	2,350	30%
65 x 150	9,750	2,438	NA	NA	25%
65 x 200	13,000	3,250	NA	NA	25%

[1]For lots 9,000 sq. ft. and over, current lot coverage is 25%.
[2]For lots more than 7,500 sq. ft. but less than 9,000 sq. ft. in area, current cap is 2,250 sq. ft.
[3]Bonus applies to lots less than 9,000 sq. ft.

Table 6 — Development potential—current code

Dimension	Area	Lot coverage[1]	First floor setback	First floor potential	2nd floor setback	Second floor potential	Two story potential[2]
50 x 100	5,000	1,500	5'/5'	1,500	varies	varies	<3,000
50 x 150	7,500	2,250	5'/5'	2,250	varies	varies	<4,500
50 x 200	10,000	2,500	5'/5'	2,250	varies	varies	<5,000
65 x 100	6,500	1,950	6' 8"/6' 8"	1,950	varies	varies	<3,900
65 x 150	9,750	2,437	6' 8"/6' 8"	2,437	varies	varies	<4,874
65 x 200	13,000	3,250	6' 8"/6' 8"	3,250	varies	varies	<6,500
70 x 100	7,000	1,750	8' 4"/8' 4"	1,750	varies	varies	<3,500
70 x 150	10,500	2,625	8' 4"/8' 4"	2,625	varies	varies	<5,250
70 x 200	14,000	3,500	8' 4"/8' 4"	3,500	varies	varies	<7,000

[1] 25% for 9,000 sq. ft. and over; 30% for under 9,000 sq. ft.

[2] Does not include basement

Table 7 — Development potential—proposed code

Dimension	Area	Lot coverage 25%	Detached garage bonus	First floor setback	First floor potential	2nd floor setback	Second floor potential	Two story potential[1]
50 x 100	5,000	1,250	400	16' w/ 6' min	1,250	16' w/ 6' min	1,250	2,500 plus 400
50 x 150	7,500	1,875	400	16' w/ 6' min	1,875	16' w/ 6' min	1,875	3,750 plus 400
50 x 200	10,000	2,500	NA	16' w/ 6' min	2,500	16' w/ 6' min	2,500	5,000
65 x 100	6,500	1,625	400	16' w/ 7' min	1,625	16' w/ 7' min	1,625	3,250 plus 400
65 x 150	9,750	2,437	NA	16' w/ 7' min	2,437	16' w/ 7' min	2,437	4,874
65 x 200	13,000	3,250	NA	16' w/ 7' min	3,250	16' w/ 7' min	3,250	6,500
70 x 100	7,000	1,750	400	9'/9'	1,750	9'/9'	1,750	3,500 plus 400
70 x 150	10,500	2,625	NA	9'/9'	2,625	9'/9'	2,625	5,250
70 x 200	14,000	3,500	NA	9'/9'	3,500	9'/9'	3,500	7,000

[1] Does not include basement

Require on-site access to backyard

Recommendation

1. Require unobstructed on-site access to backyard from one side of house

Benefits

1. Reduces impacts on neighboring properties
2. Provides access to home and yard for maintenance

Protect trees

Recommendation

1. Develop comprehensive tree protection, preservation and replacement ordinance

Benefits

1. Preserve and improve urban forest
2. Preserve neighborhood character
3. Reduce impacts on neighboring properties

Address drainage concerns

Recommendation

1. Stronger code and plan review

Recommendation

1. Reduce impacts on neighboring properties
2. Reduce volume of untreated stormwater that goes into storm sewer and local creeks, ponds and lakes

Encourage garages that do not dominate front façade

Recommendations

1. Increased interior side yard setbacks and 400 sq. ft. bonus for detached garage provide incentive to locate garage at rear of the house
2. Neighborhood character guidelines can define garage styles that are keeping with the neighborhood character (these can include not only detached rear garages, but also side loading, set back, and front loading garages that take up less than a set percentage of the front façade)
3. Administrative site plan review can award points for garage styles that have desirable design features

Benefits

1. Addresses resident concerns

Preserve neighborhood character

Recommendation

1. Develop guidelines for neighborhood character with input from neighborhood task force

   Neighborhood character can be difficult to define, especially in a neighborhood that was developed over a long period. Morningside was platted in 1905 and original homes developed over most of the century.

   When thinking about features that define neighborhood character, it is important to understand that a feature does not need to be pervasive for it to be considered a defining characteristic. For example, we've heard many residents comment that they feel front loading garages are out of character. Yet, the neighborhood has many original homes with front loading garages. We've heard that the size of some new homes is out of scale with the neighborhood. Yet, there are several large original homes with square footage that may equal the new homes. It is therefore important to think of neighborhood character in two ways: the physical features that dominate an area and the features that dominate people's perceptions of an area. They may be the same thing in some cases, but in others they may not.

   The following features generally define neighborhood character in Morningside. The list is offered as a starting point to a longer discussion on neighborhood character and development of guidelines.

   - Mature trees
   - Sidewalks
   - Larger homes on larger lots, smaller homes on smaller lots
   - Larger homes with traditional two-story architecture, often brick or stucco, garages set back or at rear of home
   - Garage doors do not dominate front façade

Benefits

1. Addresses resident concerns
2. Strengthens neighborhood identity

Institute administrative site plan review

Recommendation

1. Develop an administrative site plan review process similar to that used by the City of Minneapolis (attached)

   The plan identifies desirable design elements and assigns points to them. Builders choose which design elements to include in their project to earn the

required number of points. This gives the builder flexibility while encouraging desirable design elements that may not be specified in code.

The design elements can be tailored for specific neighborhoods to help to preserve neighborhood character. The design elements or site features can also provide incentives for tree preservation and replacement, green building practices, increased energy efficiency, reductions in impervious surfaces or other features deemed desirable.

Benefits

1. Alternative to citizen design review board
2. Flexibility—builders and homeowners can choose which elements to incorporate into design
3. Design elements can be neighborhood-specific, without requiring additional zoning or overlay district

SUMMARY

The above recommendations offer trade-offs. In exchange for greater interior side yard setbacks, setbacks do not have to be stepped back for building height above 15', allowing for more traditional two-story architecture, more second floor square footage, and less complexity in plan review. In exchange for reduced height to the ridge, height is measured from the first floor elevation, rather than the average front yard grade, reducing mass and simplifying plan review. In exchange for reduced lot coverage, builders are given a bonus if they locate a detached garage at the rear, bringing lot coverage back up to and over 30%. See comparison table attached.

Any changes have the potential for unintended consequences. For this reason, we recommend that any proposed changes be modeled and tested against real life examples.

These recommendations are intended to work together. The recommendations should also be considered in conjunction with our earlier recommendations to refine the CMP, which address issues such as neighbor notification, site conditions, construction traffic and other concerns raised at the October meeting.

Please excuse any errors in calculations.

Dimension	Area	Lot coverage percentage current	Lot coverage percentage proposed	Lot coverage sq. ft. current	Lot coverage sq. ft. proposed (with bonus)	Interior side yard setback current[1]	Interior side yard setback proposed	Max height current	Max height proposed
50 x 100	5,000	30%	25% + bonus	1,500	1,250 (1,650)	5'/5'	16' w/ 6' min.	35'	30'
50 x 150	7,500	30%	25% + bonus	2,250	1,875 (2,275)	5'/5'	16' w/ 6' min.	35'	30'
50 x 200	10,000	25%	25%	3,000	2,500 (2,900)	5'/5'	16' w/ 6' min.	35'	30'
65 x 100	6,500	30%	25% + bonus	1,950	1,625 (2,025)	6' 8"/6' 8"	16' w/ 7' min.	35'	30'
65 x 150	9,750	25%	25%	2,438	2,438	6' 8"/6' 8"	16' w/ 7' min.	35'	30'
65 x 200	13,000	25%	25%	3,250	3,250	6' 8"/6' 8"	16' w/ 7' min.	35'	30'
70 x 100	7,000	30%	25% + bonus	2,100	1,750 (2,150)	8' 4"/8' 4"	9'/9'	35'	30'
70 x 150	10,500	25%	25%	2,625	2,625	8' 4"/8' 4"	9'/9'	35'	30'
70 x 200	14,000	25%	25%	3,500	3,500	8' 4"/8' 4"	9'/9'	35'	30'

[1] Base 5'/5' setback, plus additional four inches for each foot lot width exceeds 60'. Does not include additional setback for each foot building height exceeds 15'.

Table 8 — Summary

MPLS PLAN

A GUIDE TO

Site Plan Review:

Residential Point System (1-4 units)

New residences containing 1-4 dwelling units shall obtain a **minimum of 15 points** from the categories illustrated below. Designs must also comply with the standards included in Chapter 535, Regulations of General Applicability.

DETACHED GARAGE

At least one parking space is provided in an enclosed garage that is detached from the main structure.

5 POINTS

STEEP ROOF PITCH

The pitch of the primary roof line is 6/12 or steeper (or less-steep or flat if there is a roof of similar pitch within 100 feet).

2 POINTS

SUFFICIENT WINDOW AREA

At least 10% of the walls on each floor that face a rear or interior side lot line, not including walls on half stories, are windows.

3 POINTS

At least 20% of the walls on each floor that face a public street, not including walls on half stories, are windows.

3 POINTS

DURABLE EXTERIOR MATERIALS

The primary exterior building materials are masonry, brick, stone, stucco, wood, cement-based siding, and/or glass.

4 POINTS

BASEMENT

The structure includes a basement as defined by the building code.

5 POINTS

The structure includes an open-air, covered front porch of at least 70 square feet if there is at least one existing open front porch within 100 feet of the site.

1 POINT

There is at least one deciduous tree in the front yard.

1 POINT

ACCESSIBILITY BONUSES: Designs that offer certain accessibility features will receive point bonuses that allow them to bypass some of these requirements while still fulfilling the 15-point minimum.

City of Minneapolis
Community Planning & Economic Development

FOR MORE INFORMATION

Consult the Site Plan Review **Chapter 530, Article VI** of the City's Zoning Code online at:
http://www.minneapolismn.gov/government/ordinances.asp

rev 12/2011

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Center for Sustainable Systems

Residential Buildings

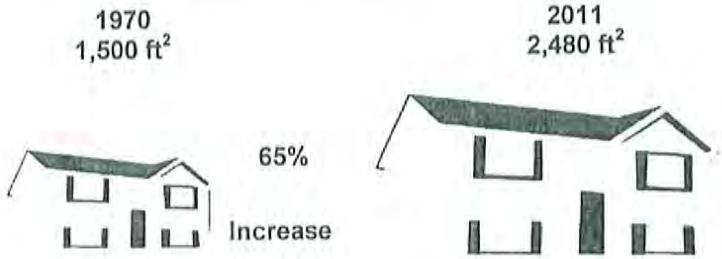
Patterns of Use

Proven climate-specific, resource-efficient house design strategies exist, but per capita materials and energy consumption continue to increase. Additionally, between 1950 and 1990, urbanized land expansion grew at a rate 3 times the rate of population growth.[1]

Size and Occupancy

A majority of Americans live in single-family houses – in 2011, 64% of the 115 million U.S. households were single-family.[2] Some unsustainable residential building trends to consider:

Average Size of a New U.S. Single-Family House[3]



⬆ Average size of a new U.S. single-family house[2,3]
- 1950 983 ft²
- 1970 1,500 ft²
- 2000 2,200 ft²
- 2011 2,480 ft² **a 152% increase from 1950**

⬆ Average area per person in a new U.S. single-family house[2]
- 1950 292 ft² per person
- 1970 478 ft² per person
- 2000 840 ft² per person
- 2011 961 ft² per person **a 229% increase from 1950**

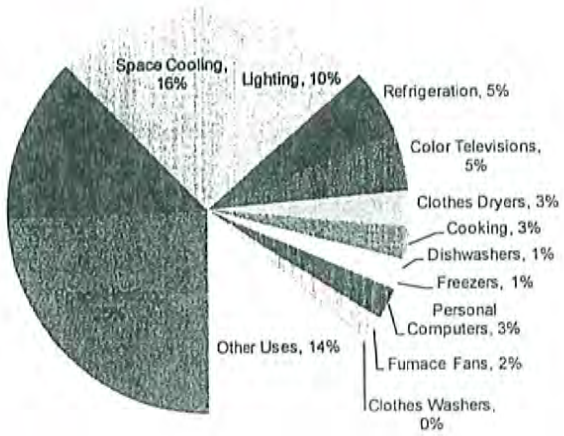
⬇ Average number of occupants per U.S. household[2,4]
- 1950 3.37
- 1970 3.14
- 2011 2.58 **a 23% decrease from 1950**

- In 1950, 9% of housing units were occupied by only one person. In 2009, this had increased to 27%.[5]
- Americans spend, on average, 90% of their time indoors.[6]

Energy Use

- A new single-family house in Michigan – as studied in 1998 by CSS – consumes 1.3 GJ per square meter annually.[7,8]
- A similar study of 3 houses in Sweden built in the 1990's shows annual energy consumption of 0.49 – 0.56 GJ per square meter – less than half the energy consumed in the Michigan house.[9]
- Between 1990 and 2010, total residential GHG emissions increased by 28.7% while population increased by only 24%.[10]
- The residential sector accounted for 22% of total primary energy consumption in the US in 2011.[11] See figure on right for a breakdown of energy consumption by activity.

Average U.S. Residential Energy Consumption in 2010[12]



[1] Rusk, D. (1999) *Inside Game Outside Game: Winning Strategies for Saving Urban America.* Washington, D.C. Brookings Institution Press.
[2] National Association of Home Builders (2007) *Housing Facts, Figures and Trends* and *Single-Family Square Footage By Location*, U.S. Census Bureau, and Wilson, A. and J. Boehland (2005) "Small is Beautiful, U.S House Size, Resource Use, and the Environment." *Journal of Industrial Ecology*. Vol 9, No. 1-2, 277-287.
[3] U.S. Census Bureau, *Annual Characteristics of New Housing* 2011 and *American Community Housing Survey 2009.*
[4] U.S. Census Bureau, *Current Population Survey: 2011 Annual Social and Economic Supplement*
[5] U.S. Census Bureau, *Historical Census of Housing, Tables Living Alone (2004)* and (2010) 2009 *American Community Survey.*
[6] Wilson, S. (2004) "Design for Health: Summit for Massachusetts Health Care Decision Makers." Presentation September 2004.
[7] Blanchard, S. and P. Reppe (1998) *Life Cycle Analysis of a Residential Home in Michigan* (CSS98-05).
[8] Keoleian, G.A., S. Blanchard and P. Reppe (2001) "Life Cycle Energy, Costs, and Strategies for Improving a Single Family House", *Journal of Industrial Ecology* 4(2), p. 135-156. (CSS00-11).
[9] Adalberth, K. (1997) "Energy use during the Life Cycle of Single-Unit Dwellings: Examples." *Building and Environment*, Vol. 32, No. 4, 321-329.
[10] EPA (2012) *Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990 - 2010.*
[11] U.S. DOE, Energy Information Administration (EIA) (2012) Annual Energy Review 2011.
[12] EIA (2011) *Annual Energy Outlook 2011.*

Life Cycle Impacts

The Center for Sustainable Systems conducted a case study to inventory life-cycle energy consumption from manufacturing, construction and operational phases of a new 2,450 ft² single-family house built in Ann Arbor in 1998. The following off-the-shelf energy efficiency strategies were then modeled to quantify the resulting life-cycle energy savings:[7]

- Wall and ceiling insulation increased from R-15 to R-35 and R-23 to R-49 respectively; building infiltration (leakage) reduced by half
- Wooden basement walls instead of concrete; basement thermal insulation increased from R-12 to R-39
- Double-glazed windows upgraded to include low-e treatment and argon fill
- Energy-efficient appliances; stove & dryer switched from electricity to natural gas
- Energy-efficient lighting (fluorescent)
- Building-integrated shading (overhangs) on south-facing windows
- Hot-water heat recovery
- Air-to-air heat recovery used with ventilation system
- Glass fiber thermal insulation replaced with recycled cellulose
- Recycled-materials roofing shingles (wood/plastic)

- The case study house required 172 tons of concrete[7] and 24 tons of wood and wood products.[8]
- 90% of the life cycle energy consumption occurred during operation; only 10% went into building and maintaining the house.[7]
- Top contributors to the primary energy consumption of the case study house were polyamide for carpet, concrete in foundation, PVC for siding, window frames and pipes, and asphalt roofing shingles.[7]
- 75% of the materials in the case study house are currently recyclable[7]; however, the U.S. average recycling rate of building materials from demolition and construction is only 20-30%.[13]
- A 63% building life-cycle energy reduction was achieved through the above measures, all with readily available technology.[7]
- Life cycle greenhouse gas emissions were reduced from 1,013 to 374 metric tons CO_2-equivalent, over the 50-year life of the house.
- Despite the additional material requirements, the total embodied energy was reduced by about 4%.
- Installing high efficiency HVAC system and cellulose insulation ranked as the most effective strategies in reducing annual energy costs.

Solutions and Sustainable Alternatives

Reduce operational demand of the home

From a life-cycle perspective, energy and water consumption during the life of a building contribute much more to its environmental impact than do building materials. The following suggestions can significantly reduce operational energy demand:

- Use passive heating methods – passive solar, waste heat from disposed hot water.
- Make use of passive cooling – night-flushing, shading.
- Add ceiling fans, and the A/C can be comfortably set about 5 degrees higher.
- Maximize day lighting – skylights, south facing windows.
- Consider decentralized, "passive" sanitary services – compost toilet, living machine, rainwater use for toilets, greywater for gardening.
- Convert appliances from electric to natural gas, reducing primary energy consumption by about 75%.[7]
- Install a low-flow showerhead – less than 2.5 gallons-per-minute – to save both water and energy.
- Save 40% of hot water heating energy with a simple wastewater heat exchanger.[7]
- Adequate insulation – recommended R-values can be calculated online at: http://www.ornl.gov/~roofs/Zip/ZipHome.html.
- Many energy efficient home upgrades, if installed before 2012, are still eligible for federal tax credits: HVAC systems, insulation, roofing, water heaters, and windows and doors. Some renewable energy systems also qualify through 2016. Please see: http://www.energysavers.gov/financial/70010.html.[14]

Select durable and/or renewable materials

Building materials with long lives may have greater upfront cost, but long-term savings and reduced environmental impact are achieved by avoiding replacement. Renewable building materials also offer potential environmental advantages.

- Durables to consider: cork or hardwood vs. carpet, standing-seam roofing vs. asphalt shingles
- Renewables to consider: cork, linoleum, wool carpet, certified wood and plywood, strawboard, cellulose insulation, straw-bale
- Substituting asphalt shingle roofing with recycled plastic/wood fiber shingles can reduce embodied energy by 98% over 50 years.[7]

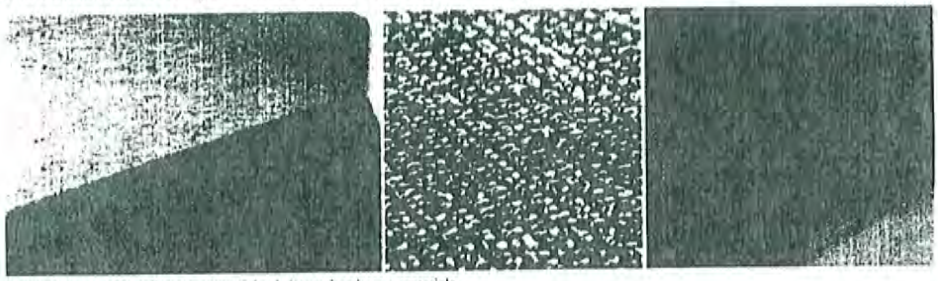


Photo Courtesy of http://www.snre.umich.edu/greendana/green_materials

[13] U.S. EPA (1998) *Characterization of Building-Related Construction and Demolition Debris in the United States* Report No. EPA530-R-98-010.
[14] U.S. Department of Energy, Energy Efficiency and Renewable Energy (2006) "Energy Savers: Tips on Saving Energy & Money at Home. Insulation." http://www1.eere.energy.gov/consumer/tips/insulation.html.

Summary of Discussion on Residential Reconstruction 2012 Annual Meeting

Morningside
Neighborhood Association

Benefits of residential reconstruction

Morningside has always been a welcoming community with diverse housing styles—from early 20th century bungalows, post war Cape Cods, 1960s & 70s ramblers, to today's larger suburban-styled homes. The benefits of residential reconstruction in the neighborhood are many. Residential reconstruction:

- Renews housing stock and adds to the diversity of housing styles in Morningside
- Attracts new residents to Morningside
- Has the potential to raise property values
- Increases the City's tax base

Concerns raised related to residential reconstruction and the impact on neighboring properties

A variety of concerns were raised at the 2012 MNA Annual Meeting during a discussion on residential reconstruction. **For the most part, these concerns are related to the impact of residential reconstruction on neighboring properties from the perspective of those who have been impacted. Some concerns are related to building styles and neighborhood character.** As the below notes show, many concerns and their impacts are inter-related.

Summary of concerns and impacts

Changes to side or rear yard elevation, lot grade or land contours

- Can result in removal of trees and vegetation
- Can change patterns of surface water runoff and drainage
- Can impact building height
  - Can increase visual mass
  - Can change sun/shade cycle on adjacent properties
  - Can reduce privacy in adjacent homes or yards

Changes to lot coverage, setback, or how home is located on the lot

- Can change neighborhood character
- Can increase visual mass
- Can result in tree removal
- Can change sun/shade cycle on adjacent properties
- Can impact air circulation
- Can reduce privacy in adjacent homes or yards

Changes to surface water runoff and drainage

- Can direct water to adjacent properties
  - Can cause standing water, flooding, erosion, and property damage

Retaining walls at lot line

- Can require access from adjacent properties to build and maintain

Tree removal

- Can change neighborhood character, natural aesthetics
- Can alter sun/shade cycles on adjacent properties
- Can reduce privacy in adjacent homes and yards

Window wells to lot line

- Can prevent homeowner from accessing own backyard from own property
- Can create potential safety issues with children, vehicles on adjacent driveways

Homes with no outside access to back yard

- Can result in use of neighboring property to access, with or without permission
  - Potential for issues with adverse possession and homeowner liability

Changes in sun/shade cycles on adjacent properties

- Can change thaw/freeze cycles
- Can impact gardens and landscaping
- Can reduce or increase light in interior living spaces
- Can reduce or increase need for mechanical heating and cooling

Changes to air circulation

- Can impact comfort and interior air quality
- Can reduce or increase need for mechanical heating and cooling

Changes to privacy

- Can create need for fences, landscaping, or window coverings
- Can impact how neighboring property owners use and enjoy their property

Changes to traffic patterns, vehicle access, and parking

- Can impact neighborhood livability
- Can create concerns about safety

Issues during construction

- Construction vehicles blocking access to driveways or making it difficult for other vehicles to get through
- Wear and tear on roadways from construction vehicles and construction activities
- Noise
- Construction activities seven days a week
- Sidewalks torn up and/or not maintained in winter
- Neighbors not sure who they should contact about questions or complaints; some experienced City staff and/or builder not responsive to concerns

Questions and perceptions

What does City code say about residential reconstruction?

- Perception that City code is inadequate to protect neighboring properties and neighborhood character in the areas of:
  - building height or rooflines
  - setbacks (especially window wells and eaves)
  - lot coverage
  - grading, elevation and drainage
  - garages at the front
  - penalties for violations

How many variances are granted?

- Perception that some recently built homes have required variances and that variances are easy to obtain

What code or policy changes related to residential reconstruction are currently being discussed?

How do residents advocate for code or policy changes?

What other strategies or practices does the City have to address concerns about residential reconstruction?

- Perception that plan review and inspection practices sometimes fail to catch code violations related to building height, setbacks, lot coverage, grading, elevation and drainage
- Perception that, when code violations related to the above are caught after construction has begun, current practices do not require the builder to take corrective action
- Perception that this contributes to some builders intentionally violating code

What can be done to protect a property from construction activities or new construction on a nearby or adjacent lot?

NEXT STEPS

About 50 residents attended the discussion on residential reconstruction held as part of the 2012 MNA Annual Meeting. The goal of this discussion was to give residents an opportunity to share experiences and identify questions and concerns related to residential reconstruction in the neighborhood.

In any discussion on residential reconstruction, there are likely to be a variety of views. The Steering Committee hopes to hear from as many residents as possible on this issue. **Whether you are a new or longtime Morningside resident, whether you live in an original, remodeled, or rebuilt home, your perspective is valuable.**

To comment on this summary, share your experience, or ask a question, please email the MNA Steering Committee at edina.morningside@gmail.com.

The Steering Committee will share this summary and any new input with City officials and ask for responses to the questions and concerns that have been raised. The Steering Committee will also work to schedule a neighborhood meeting with City officials to identify and discuss action steps that can be taken in response to these concerns. Information will be posted on the MNA website and distributed via the MNA email list.

ABOUT MNA

The Morningside Neighborhood Association (MNA) was formed at a neighborhood meeting on November 9, 2003. The purpose of the MNA is to promote a better community through group action, to promote involvement in decisions made by local government, and to represent the interests of all residents and property owners in the Morningside Neighborhood. Activities of the MNA are guided by a Steering Committee, elected each October at the Annual Meeting.

2012-2013 Steering Committee members are: Mindy Ahler (Crocker), Helen Burke (Grimes), Mary Carte (Branson), Pat Corcoran (Monterey), Susan Danzl (Lynn), Jennifer Janovy (Inglewood), Kay Johnson (Oakdale), Tim Rudnicki (Lynn), Scott Smith (Morningside Road), and Paul Thompson (Crocker).

For more information, please see www.edinamorningside.org or email edina.morningside@gmail.com.

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Speak Up, Edina!

We're always looking for feedback and ideas for how we can make Edina an even better place for living, learning, raising families and doing business. Take a moment to provide your feedback and ideas on any of the forums you see here or start your own discussion. It's your chance to speak up, Edina!

› **SHARE** your feedback! › **POST** your ideas! › **JOIN** the discussion!

Want to provide your feedback for the City of Edina? Simply sign up using your email or connect with Facebook! Once you have created an account, post your ideas or participate in the discussion forums.

- 104 Answers
- 28 Participants
- Discussion Closed

Residential Redevelopment

Topics

1. Your Top Three Suggestions
2. Construction Process
3. Building Mass and Height

The Planning Commission and City Staff are looking for resident input to help ensure a balance among homeowners planning to move, existing neighbors impacted by new construction and new homeowners moving into our community. Here is your chance to

provide feedback and propose solutions to redevelopment issues currently impacting the City.

Edina continues to be a disirable community. As a result, it has expereinced a large increase in the removal of existing homes and construction of new homes in established neighborhoods. This trend has sparked concern among residents. The Planning Commission established a subcommittee to identify residential zoning issues and suggest possible changes to our current zoning codes and policies.

Please keep all comments constructive and civil.

Your Top Three Suggestions

What are your top three suggestions regarding new residential constructions?

Next Topic Sign in to Respond

51 answers (hide replies)

Nancy Killilea (edit answer)
My top three suggestions concerning new construction: 1) How can we consider and respect sight lines within the process? Bigger homes close to much smaller homes often result in a claustrophobic experience for the smaller home. Three story walls can feel overwhelming Ensuring appropriate sight lines would help. 2) Restrictions on adding fill or changing topography of the land would ensure that new homes don't dramatically change the feeling of the neighborhood or the views of the current residents. 3) Update the current set up requirements. One of the overall impacts of the building of much larger homes (regardless of lot size!) is the feeling of overcrowding and the elimination of open space. One last thought given that Edina is trying to develop neighborhood identities (for example naming separate neighborhoods): Can we consider different solutions for different neighborhoods to ensure that we maintain the character of the neighborhood. I understand that we do that in neighborhoods such as Country Club. Perhaps other neighborhoods, such as Morningside, should have solutions appropriate to their needs.

Jan 12 at 8:44 am

Hide 1 Reply

Replies

Josh Mason (edit answer)
Nancy nailed it, esp. when it comes to neighborhoods like Morningside. It is getting ridiculous.

Feb 12 at 4:29 pm

Replies

david frenkel (edit answer)
City of Edina staff seem to be overwhelmed and unprepared for the volume of construction going on. I live next to a new house going up and I am surprised by the attitude of city hall that the streets surrounding the developmnet are part of the construction site. The streets surrounding the develpment are routinely blocked by construction related vehicles doing deliveries or dropping off/picking up construction vehicles like backhoes and bobcats. The site next to me looks like a junkyard with all the constructioon debris, old fencing and landscaping that is in piles around the property. The property was allowed to dig below the previous grade that borders my property where I have 2 huge oak trees that may be impacted by this digging. Is my responsbiltiy to inform the developer of state law that allows for triple damages if the developer kills these oak trees by their digging? I could go on about what I have seen but the bottom line is this new development looks like the wild west with limited controls. The city does not care if streets are blocked so school buses have to be rerouted at the last minute. I have seen and others have told me about school buses going backwards down streets because construction vehicles refused to move out of the way. I have talked to the city and state about this and nobody sees a problem. If construction takes priority over the safey of our children I see a big problem.

Jan 12 at 9:04 am

Replies

david frenkel (edit answer)
@Nancy, I completely agree with you. You should be on the planning commission to add some common sense to the City of Edina's wait and see attitiude.

Jan 12 at 9:05 am

Replies

kw (edit answer)
1) Enforce existing building codes. 2) Higher impact fees for construction permits which require heavy equipment on the streets. 3) Stick to the comprehensive plan and any variances subject to statuatory requirements.

Jan 14 at 6:46 pm

Replies

Andrew Brown (edit answer)
How about a freeze on construction, so I can actually enjoy a summer of peace an quiet

Jan 14 at 7:36 pm

Hide 2 Replies

Replies

david frenkel (edit answer)
I do think it is crazy to allow construction on evenings, weekends and holidays. I have children who I do not want playing among construction equipment and materials. Why do these residential construction projects take priority over community livability? These developments are for profit businesses and why should the community be inconvenienced so somebody can make money?

Jan 14 at 8:49 pm

Replies

david frenkel (edit answer)
I think you are being facetious about the freeze but I do think there should be a freeze on new construction not on the books so the city can get its arms around what is going on with residential development. Things have spiraled out of control with what appears to be a lack of city staff which has led to a lack of various code and ordinance enforcement. There are unintended consequences like road blockages that have re-routed school buses and are a threat to emergency response. I moved from a community in VA that had very strict building codes and enforcement to Edina that is in comparison the wild west of construction.

Jan 15 at 2:27 pm

Replies

Isaac (edit answer)
More construction = higher property values = higher tax revenue. City Hall isn't overwhelmed, its the plan.

Jan 14 at 9:25 pm

Hide 1 Reply

Replies

david frenkel (edit answer)
Higher property values also means higher property taxes. If you are selling higher values are great if you plan on staying and paying higher property values or elderly on fixed income not so good. The city has to be careful there isn't a saturation of over priced homes and a real estate or economic bubble burst occurs leaving lots of these houses on the market. This scenario has happened on other communities. You mentioned a 'plan', hoping things continue on the upswing is not a plan. It will also be interesting to see how the quality of new construction holds up in 5/10 years down the road.

Jan 15 at 7:57 am

Replies

Mark Daum (edit answer)
I unfortunately live next to a teardown/new construction house being built on a 50 foot lot. Here are my concerns and suggestions: The current side property setbacks are inadequate. The law allows new construction to tower over existing properties, robbing them of free space, sunlight, and landscaping/property repair access. We should not be forced to travel over the adjoining property to make home repairs. 1) Interior side yard setbacks need to be revised from the current 5 feet to a minimum of 10 feet for lots smaller than 60 feet, and revised accordingly for larger lots. 2) The setback for egress windows and roof overhangs need to be revised from the current 3 feet to 6 feet minimum. Come on people, 3 feet is equal to you stretching out your arms side to side! 3) Existing trees on adjoining properties should be better protected. All new construction excavation and subsequent building should be subject to inspection and direction of the Edina City Arborist at the expense of the builder. One fifth of my mature river birch tree's roots were destroyed by the excavation of the new house. Additionally, the trimming that was required due to the new construction was done hap-hazardly by a construction worker, leaving the branches exposed to disease! They have a right to trim the trees that overhang the adjoining property, not kill them. 4) Builders should be required to pay $10,000 for each new house built for street repairs of the street the new construction occupies. The amount of damage done to the streets due to heavy construction equipment and their cost of repair should not be forced upon the existing residents of that street. 5) Any and all builders who have violated any of the rules for new construction should be be banned from working again within the city limits. First offense= 3 years. Second offense = 5 years. Third offense = 10 years. This would go a long way to ensuring the companies who built new construction in Edina follow the rules.

Jan 19 at 11:43 am

Hide 3 Replies

Replies

david frenkel (edit answer)
Did you know there is a state law that allows for triple damages if a neighboring property owner kills trees on your property? I agree with your suggestions but the city appears to be addicted to the cash via building permits this new development is bringing into the city treasury and seems reluctant to upset the developers.

Jan 19 at 12:07 pm

Hide 2 Replies

Replies

Mark Daum (edit answer)
I will be looking up that state law today. I have photos from both the excavation and trimming fiascos that show the damage. Extremely frustrating how the city seems more interested in assisting developers than 25 year residents/tax payers!

Jan 19 at 12:26 pm

Replies

Matt Tourangeau (edit answer)
David, while you contct that attorney regarding Marks tree roots, ask him about over hanging branches that are encroachments onto someone elses property, also ask him about damages, your tree roots are on my property which means you planted your tree to close to my property, i your tree roots damage my sewer line or lawn (maple trees have shallow roots) what would my recourse be. I say this so you and Mark can get serious, stop whining.

Feb 8 at 4:02 pm

Replies

david frenkel (edit answer)
I have talked to a lawyer about the tree issue and yes I would take photos. I doubt the city or the developers know about the law and of course developers hide behind I didn't know rational. The city is typical of code enforcement where they go after an easy mark and don't get into big battles with developers who may take them to court which has happened. The city needs a code of conduct which if not followed developers are suspended or banned from doing business in Edina. If state and federal government does it why can't Edina have a reasonable code of conduct.

Jan 19 at 2:58 pm

Replies

david frenkel (edit answer)
Matt, thanks again for drawing attention to my century old trees. Again, FYI, I did not plant the trees and before construction started next to my house the 2 yards were at the same grade. I did not ask the developer to go below grade. The new property owner has the legal right to trim the tree branches over there property. I understand the law on this issue. It is impossible for my trees to block my neighbors utilities since they are on the other side of the lot from my trees. If whining is requiring the city to enforce local, state and federal laws around construction you can call it anything you want. If you like 3rd parties trampling your rights as a property owner I applaud your flexibility.

Feb 8 at 10:17 pm

Replies

Tom LaForce (edit answer)
Here are two suggestion for the builders. It might create some good will which they seem to be lacking in these days. Put up a sign 3 weeks prior to the wrecking ball inviting people to have it on perennials. One is about to go near me and the yard is full of nice plants that could have been given a new home. It was empty early this fall, the perfect time for transplanting. Now they'll just be destroyed along with the home. Also, there should be a requirement that a salvage company be brought in before any house is torn down. I've got to think it would make economic sense for someone to spend a couple days stripping out metal, fixtures, working appliances, etc. Maybe this happens, but I haven't noticed it yet. It's hard to watch livable houses be smashed to nothing and taken to the landfill. What a waste.

Jan 19 at 1:24 pm

Hide 3 Replies

Replies

david frenkel (edit answer)
Edina is in the dark ages when it comes to commercial recycling. There is no mandatory commercial recycling. Drive by almost any construction dumpster and it is full or recyclable cardboard. There are companies that tear out wooden floors for resale. Developers are in the business of getting up new houses ASAP and not bothering with anything else.

Jan 19 at 3:03 pm

Hide 1 Reply

Replies

Matt Tourangeau (edit answer)
David, you are not in the business, you have to way the cost of salvage against possible gain. it costs about 8 bucks a square foot to lay raw wood flooring. If the floor has been sanded 2 -3 times, its projected life has been used up.

Feb 8 at 4:15 pm

Replies

Matt Tourangeau (edit answer)
regarding paragragh #1 Tom! are you serious? You want a builder to wait 3 weeks for a bunch of other people to fight over plants, just how would they be distributed. Maybe YOU or anyone else should approach the owner prior to selling and PURCHASE any and all lanscaping you want. But being a liberal, you want to legislate it and make a rule. #2, all properties are stripped of hazardous materials including light bulbs, transformers, appliances, etc, etc,etc. & yes, if there are architectural things in the house anyone is going to salvage those because they are worth lots of $$$ Yes I attacked you Tom, I am sorry, but its rediculous ideas like this that waste peoples time.

Feb 8 at 4:12 pm

Hide 1 Reply

Replies

Tom LaForce (edit answer)
Hey Matt, they asked for suggestions. I provided some.

Feb 8 at 4:52 pm

Replies

david frenkel (edit answer)
Matt, I have young children that I try not to frame everything in dollars and cents. Why can't Edina try to be a leader in at least attempting to recycle some residental construction materials. Yes some floors may not be salvagable but some may be reusable. Edina has promoted some of its green achivements why doesn't the city do more? Is it that difficult to require recycling commercial cardboard? I see dumpsters full of cardboard going to the dump instead of being recycled. There are plenty of states that require commercial cardboard recycling but not MN or Edina.

Feb 8 at 10:27 pm

Replies

david frenkel (edit answer)
Are there any meeting notes from the meeting or anybody that attended have any comments? Thanks

Jan 27 at 2:27 pm

Replies

david frenkel (edit answer)
Today I witnessed 2 cement trucks parked side by side blocking Golf Terrace and then 2 big utility trucks drove over a curb on to a neighbors lawn to get around the trucks. Is this construction boom completely out of control? Is driving on neighbors lawns acceptable under 'developers rights' I keep in hearing from city officials? What can I do to keep trucks off my property since the construction industry does not care. I have a neighbor across the street that has tracks in the snow from a heavy truck driving on her property.

Jan 28 at 1:50 pm

Replies

J Lonnquist (edit answer)
Thanks for this online opportunity for input for those who can't attend the meetings on this important topic. Having lived next to a home redevelopment by a commercial interest, I offer these suggestions: 1) In addition to immediate neighbor notification and opportunities to view the plans, require developers and city inspectors to publish a time during which neighbors can walk the site and view where new walls will be located on the property. This should be done before machinery arrives, as it is then too late or too expensive to correct or contest set-backs. 2) City expenses that are caused by developer activity (e.g. officers addressing traffic or noise concerns that neighbors can't settle through requests to the builders or contractors) should be billled back to the developer. That is only fair: if developers are making a profit while working in a residential area, the city shouldn't have to bear additional expenses and residents have the right to retain a livable environment. 3) Keep in mind that living next to major construction rattles even sensible people. It is inconvenient and even stressful. Seeing contractors trampling your gardens or severing your gas lines makes it harder to be patient with the inevitable parking and noise issues. And the signs that contractors post about being respectful to neighbors are pure p.r. in my opinion and don't alter the behaviors of their contractors. If it is a homeowner/dweller/neighbor undergoing a renovation, patience lasts much longer. If it is a developer building a spec house, there is a different dynamic. Should they be required to have a buyer who will live in the home in place before proceeding with construction? I think that would go a long way to softening some of the neighbor concerns. Thanks for considering these ideas. We know the demand for infill housing will always be strong in Edina given the location and schools, so please do what is correct for the city and its residents -- the builders won't walk away if we make their parameters a little tighter.

Jan 29 at 10:42 am

Replies

Jack (edit answer)
The question I am wondering is that when protesting new developments in the town, how do you do that loudly but then still maintain relationships with the new neighbors when they finally move in? I would think that new buyers coming in and investing in the neighborhood and wanting edina to be a home for their families would then look at all of this distastefully. I guess that all this development will lead to Edina residents really disliking each other. That's too bad.

Jan 29 at 4:22 pm

Replies

david frenkel (edit answer)
@Jack, it would be interesting to hear feedback from the homeowners of houses previously built by each developer. I am seeing things on the new house next to me that are problematic. For example the developer went below the previous grade in the back yard which is now below my yard and adjacent street. We already have a high water table and a yard filling with water will cause problems. The new grade in the back yard may also cut into the roots of 2 mature oak trees I have along the common border which is problematic. Edina likes to talk about all the environmental initiatives yet allows cutting down of mature trees. Lots of issues that need to be addressed.

Jan 29 at 10:26 pm

Hide 2 Replies

Replies

Jack (edit answer)
my question was just that with teardowns won't the new neighbors have a horrible relationship with the protesting existing neighbors or is that not a concern...hence my question that if one protests new develpments loudly, how do relationships with neighbors end up..sounds like leads to some hostility from the outset which is too bad...always thought edina was supposed to be welcoming at least from the majority of people i met there and 99% of teardowns don't get angry reactions from neighbors

Jan 30 at 8:01 am

Hide 1 Reply

Replies

david frenkel (edit answer)
I am not sure how you came to the 99% number because I know plenty of people in the Morningside neighborhood are not happy with the teardown process and the end results. Some of these houses, like the one next to me, are dramatically changing the landscape with retaining walls and changing elevations. In this case they are doing a good job of not having the house fit into the neighborhood which if I was the new home owner would be a concern. I unfortunately see some issues that will have to be resolved with the developer which may drag in the new home owner. My biggest concern is always the safety of my children which I am not getting a warm a fuzzy feeling from the City of Edina. There is virtually no enforcement of existing ordinances dealing with the use of the street and the long construction hours including holidays are when my children would be playing in the street. My rights as a homeowner are being trampled so a for profit business can do as they please and along the way violate city code and federal safety standards. I am supposed to stand by and just say go ahead block my driveway, move construction equipment across my lawn, dump construction materials into the street. Sorry Jack I have small children and possibly upsetting a future neighbor is not on my radar, protecting my children is an issue I face every day because of the wild west we are experiencing in Edina. I moved from a community in VA that has very strict building codes that are enforced and to move to Edina at the other extreme is a little disheartening.

Jan 30 at 8:42 am

Replies

Matt Tourangeau (edit answer)
David, it appears you have an issue with the builder who built the house next to you, I am very sorry, I asked this question myself on P.I.E, & Jack is asking it here. Now that a new owner lives in that home, how do you treat them, are they welcomed? did you build a big fence to separate your self from them, what exactly is your relationship with them and others who have had BIG BAD HOUSES built in you hood?

Feb 8 at 4:23 pm

Hide 2 Replies

Replies

david frenkel (edit answer)
Matt, none of my comments have actually been addressed to the acutal house being built but that seems to be your hot button. My issue is with how the neighborhood has been treated by the developer and there contractors. These job sites are poorly supervised and the contractors push the limits on how they use the road. You are making all kinds of assumptions, if you are not familiar with the property I am referring to it is ok to ask questions. The new owners have not move in and FYI they are due to move in sometime in April. Why are you so worried about my relationship with my neighbors, that has nothing to do with this blog. When my new neighbors move in I might be too busy having 2 very large oak trees removed form my property. Thanks for your interest in my relationships.

Feb 8 at 10:06 pm

Replies

david frenkel (edit answer)
Matt, none of my comments have actually been addressed to the acutal house being built but that seems to be your hot button. My issue is with how the neighborhood has been treated by the developer and there contractors. These job sites are poorly supervised and the contractors push the limits on how they use the road. You are making all kinds of assumptions, if you are not familiar with the property I am referring to it is ok to ask questions. The new owners have not move in and FYI they are due to move in sometime in April. Why are you so worried about my relationship with my neighbors, that has nothing to do with this blog. When my new neighbors move in I might be too busy having 2 very large oak trees removed form my property. Thanks for your interest in my relationships.

Feb 8 at 10:06 pm

Replies

Mark Daum (edit answer)
Another post about the meeting last Saturday morning: Side set-backs were universally deemed inadequate. My suggestion of doubling the setbacks from 5 foot to 10 feet for 50 foot lots was questioned whether the remaining space would be large enough for new construction. One of the attendees from the Morningside area suggested perhaps if a 50 foot lot isn't large enough for a person's dream home, they should search for a larger lot. While it's true that Edina has many 50 ft lots, I agree that this size lot is being abused by those who will build right to the lot lines if allowed. The question should be what is an appropriate size house for the size of the lot. Building massive, rules-testing sized homes in a neighborhood of smaller lots will result in damaging the value of the existing homes. I fear that not too far in the future, my once desirable arts & crafts home will be worth only the value of the land, and ultimately bulldozed for a new mini McMansion. Might have to look into historical designation.

Jan 30 at 12:27 pm

Hide 1 Reply

Replies

david frenkel (edit answer)
These larger new homes also can create a fire hazard for neighbors being built so close to the property line. Most of these new homes have 2 story front atrium's which become a funnel for fire which is why many of these new homes when they catch fire are a total loss. The construction trades have successfully lobbied to keep state building codes from requiring residential sprinkler systems which fire marshals are in favor of having in the code. Another example of common sense being thrown out the window because of lobbying. @Mark, your comments are repeated by developers who tell residents they are going to buy their houses and tear them down. I passed on buying a new house in a neighborhood with older houses for reasons many people have mentioned.

Jan 30 at 7:34 pm

Replies

Nan Schwappach (edit answer)
I agree with most of what has been written and suggested...but would like to add that there should be restrictions on the construction process that take into consideration the neighbors in the immediate area. There is a tear down, new build, three houses down from me. The demolition, blasting, noise has virtually shook my house and rattled my windows. There are new cracks in the wall and ceiling plaster. I have witnessed dumpsters dragging on the street and leaving behind damaged roads...and this is just the beginning! There should be rules that construction companies must follow and an avenue that neighbors can follow to petition enforcement.

Jan 31 at 5:41 pm

Hide 1 Reply

Replies

david frenkel (edit answer)
The key as you eluded to is enforcement. I think the city is understaffed for the flood of new houses being built. It is too bad Edina housing inspections does not have the reputation of writing citations like the Edina Police has. There has been a constructioon dumpster partially on a sidewalk on Wooddale in the Sunset neighborhood and nobody seems to care.

Jan 31 at 10:36 pm

Replies

lois meerwald (edit answer)
I live next door to a teardown/new construction and agree with many of the comments. I understand the need to refresh the housing stock but with what. In my neighborhood of $300,000 homes, they are being replaced with $800,000 homes. Good for the city tax base but will it last? If you want an $800,000 home there are plenty in other Edina neighborhoods. I think the city would be better with a mix of housing prices instead of th way it is headed.

Feb 1 at 8:43 pm

Replies

lois meerwald (edit answer)
I live next door to a teardown/new construction and agree with many of the comments. I understand the need to refresh the housing stock but with what. In my neighborhood of $300,000 homes, they are being replaced with $800,000 homes. Good for the city tax base but will it last. If you want an $800,000 home there are plenty in other Edina neighborhoods. I think the city would be better with a mix of housing prices instead of the way it is headed.

Feb 1 at 8:48 pm

Hide 1 Reply

Replies

david frenkel (edit answer)
The city is working under the premiss that it will work it self out for the best. I moved from one of the first planned communities in the US which is about the size of Edina. The planning shows.

Feb 9 at 12:19 am

Replies

Angie Berger (edit answer)
The premise has not been yet proven that there needs to be any changes. Offering suggestions buys into the idea that there is a problem to be solved. 1) Do not do anything that restricts the property rights of Edina taxpayers 2) Enforce current restrictions 3) Increase monitoring and fines on contractors that are causing some of the problems.

Feb 8 at 2:15 pm

Hide 1 Reply

Replies

david frenkel (edit answer)
I have the City numerous times to do what you suggested with little luck.

Feb 9 at 12:18 am

Replies

Matt Tourangeau (edit answer)
Most of all these comments are a bunch of people whining. Yes, the city should police construction sites and neighbors who are adversely affected should make their voices heard at the city, so that the city can address those issues with the builder and or subs that are at fault. People here should hold their comments to the project next door to them and or in their immediate neighborhood. Prior to posting your comment, if it's not a fix or a solution (meaning within the law and the ability of the city to perform & not a restriction of the rights of the property owner) just don't post it. Oh yeah, think to yourself, am I whining before you post it. Construction is dirty, time is money, and the sooner their done with the project the quieter it will be. No you don't need to put up with destruction to your property, call the city! SETBACKS, remember what you ask for, whatever you want the builder to do will apply to YOU, think about remodeling, etc. Someone made the remark setbacks should be 10 feet on either side of a new home, absolutely laughable, every home in Edina built prior to 1950 has a 5 foot setback on either side, what makes one think it's acceptable to change that? You could always hang out your windows and shake hands or watch your neighbor do whatever in their homes. And Im pretty sure you don't want a 30 foot wide house next to you. AFFORDBLE HOUSING, Really! That's an argument here? Seriously? People and builders are buying homes from $400,000 to a $1,000,000, and tearing them down to build new. I will also add to that, these new owners all have 3 - 4 kids or more so I really don't want to hear about families not being able to afford home here when it's quite evident THEY CAN. Also keep in mind, these new homes are increasing the value of your property, and if you disagree, show me an example, I will eat my words. You find me one person that will tell me that $400,000 is affordable, I'm pretty sure you know the income it takes to buy that house. DRAINAGE, this is probably the only thing I can see that a neighbor has a complaint; no one should have to have water coming onto their property from another's. Especially if they raised or were allowed to raise the lot. MAKING ABSURD RULES for builders. Stop! Just Stop! This comes from a suggested requirement that plants should be allowed to be salvaged, etc by the neighbors. I'll revert to my second statement as to the city policing a construction project and fining them appropriately. It's your job to make the complaint; it's the cities job to enforce the rules. And finally, they are called uniform building codes for a reason, if you want to do something outside of them; you get a variance, which needs to be approved. Also keep in mind current building practices using new materials which cause a home to be taller, etc. Floor trusses, roof trusses, higher basement and interior ceilings, allow for larger, open interior rooms, these are what because a home to become those towering so called mansions. Oh and remember, families are buying these homes and I hope you are keeping with Edina's standards and graciously welcoming them when they move in, they are your new neighbors and are excited to be there.

Feb 8 at 5:39 pm

Hide 1 Reply

Replies

david frenkel (edit answer)
Matt, you hit the nail on the head, I have been complaining to the city and I get a lot of answers like the developers have rights and mainly no response. Over the past 5 months of construction next to me I have probably called the police close to 20 times for blockiing roads, parking illegally, parking before roads are plowed, dumping constructon materails on the street and more. You comments are interesting but not very useful. I have been experiencing first hand not only violations of the cities various street ordinances but violations of federal OSHA laws regarding worker safety. The city is overwhelmed which is why they have announced they are hiring somebody to watch redidental construction. Why has it taken so long for the city to spend some of the millions in construction permit money to acutally hire somebody to monitor construction sites? Thanks for your comments Matt but I hope you don't have to deal with this construction wild west in your neighborhood.

Feb 8 at 9:56 pm

Replies

Mark Daum (edit answer)
Matt, You seem to be under the impression that City requested suggestions & solutions to upgrading existing residential building codes is whining. Reading you posts suggest you are either a builder or a new monster homeowner who couldn't care less about your neighborhood. Nice to have you in the discussion, but your comments do not assist in finding solutions to the real problems.

Feb 9 at 10:36 am

Hide 1 Reply

Replies

Joseph (edit answer)
I replied about Matt's comment. See above. Realtors, builders may be investing in the neighborhood by helping "distressed" properties but not for the long term as their checks will eventually be cashed.

Feb 10 at 9:56 am

Replies

Joseph (edit answer)
Mark as a neighbor in the area you are talking about I agree. I agree but think the responses of "whining" sounds more like a realtor making them as we sit with three listings on our block with another listing for 999,999 new construction now bank-owned. I shudder when I see a REMAX sign put up because I fear the new construction will already become a pre-forclosure candidate on some of these spec homes.

Feb 10 at 9:52 am

Hide 1 Reply

Replies

david frenkel (edit answer)
The bank owned new house you mentioned reinforces what I have mentioned at the past that Edina has to be careful that this new housing bubble doesn't collapse and leave even more houses in foreclosure. These are expensive houses going up in a speculative market for a very small buyer demographic. What neighborhood is the foreclosed house in? Is there any particular reason you think the house has not sold (over priced, location, poor layout)?

Feb 11 at 11:21 am

Hide 1 Reply

Replies

Joseph (edit answer)
On the Creek off 57th st with 55410 zip code. Maybe priced out of neighborhood or because it is on a busier street or too close to France Ave itself. Not sure.

Feb 13 at 12:45 pm

Replies

Jacqueline Zipp (edit answer)
I don't think most Edina residents oppose improvements and even as we object to huge new houses on 50-foot lots, we welcome our new neighbors. What concerns me first, like others, is re-development that is both out of character (style-wise) for the existing neighborhood and too large for the lot size. I know many of us have lost privacy in our backyards and rooms in our homes. Zoning laws need to be changed to address this. Second, with $1,000,000+ homes replacing $300,000-$500,000 homes I think we are legitimately concerned that the value of our 1950s homes will gradually be reduced to that of the land. Third, I am very concerned about the increased water runoff towards existing homes caused by changed amounts of hard surfaces and elevated foundations; I was informed by the city that builders are allowed to increase the foundation height 1 foot above where it previously was. On lots with 5-foot setbacks, this results in real runoff issues. While the city was responsive to my calls during reconstruction next door and required the builder to make changes to the swale so that it complied with the engineering design, I am nervous for the spring melt and rains. Finally, I agree with others who call for much higher impact fees from builders for damages to roads, especially. We

haven't even begun to pay the assessments for our reconstructed streets before we watch the daily parade of heavy construction equipment wear them down.

Feb 10 at 5:40 pm

Hide 1 Reply

Replies

david frenkel (edit answer)
Also if you look at the street site lines the lots somewhat conform to each other and you can see down the properties. Many of these new houses have different setbacks, they have retaining walls front and back and the topography of the lot is completely changed not to mention the removal of mature trees.

Feb 11 at 11:24 am

Replies

City of Edina admin (edit answer)
To keep this space welcoming to everyone and their ideas, please keep comments respectful, constructive and on-topic. Thanks!

Feb 12 at 2:30 pm

Replies

Participants

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1. **Post**

   Post your ideas for community improvement.

2. **vote**

   Help the City of Edina prioritize what's most important by showing **support** for and **commenting** on great ideas

3. **Review**

   The City of Edina reviews all of the ideas posted to this site. Check the status of an idea (located in the bottom right-hand corner of an idea) and watch it change as staff review, discuss and plan to implement ideas.

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March 15, 2013

An Open Letter to our Clients and Concerned Friends:

Once again neighborhood redevelopment-revitalization issues have flared up in Edina. You may be somewhat aware of the small-lot/big house controversy now appearing in the local media. This has been billed by revitalization opponents as a necessary, environmentally responsible reaction to irresponsible, out-of-control homebuilding that is destroying the quality of life of Edina residents.

This issue is probably not high on your radar but the reality is, it should be. As active or potential participants in the revitalization of your house, and thus of reinvestment in your neighborhood, you have high stakes in the outcome of this current controversy. You should be aware that lots of 75' widths and less are the focus. That includes most single-family properties in East Edina and a high percentage of those in West Edina as well.

Current recommendations (see enclosures) could seriously impact your recent or anticipated investment. In responding to pressure generated by the monster-house debate of a few years ago, the city of Edina significantly tightened its building requirements for size, height, and setbacks, restricting what could be built/rebuilt on a given lot. In so doing, Edina became one of the most restrictive communities in the region – resulting in restrictions that today would preclude the building of Country Club.

Meanwhile, the economic pressure of rising land costs is channeling redevelopment to areas where acquisition costs are lower, reigniting the debate. Proponents of increased restrictions claim they were ignored in previous round of regulation, which is simply not so; the monster-house debate which triggered increased regulation was sparked in neighborhoods with 50' and 60' lots – notably South Harriet Park and Morningside, epicenter of today's agitation for even more regulation.

Current opposition to revitalization is placing significant pressure for additional building restrictions, which could have serious side effects and unintended consequences by retarding further redevelopment-reinvestment, thus potentially negatively influencing property values and appreciation.

Parsing the rhetoric, it comes down to a basic direction: do we embrace the future and change, or retard it in an inevitably futile attempt to preserve the status quo? The public decision process is well down the road, with City Council and Planning Commission work sessions having begun on March 5th to facilitate and implement action.

THE REPLACEMENT HOUSING SERVICES CONSORTIUM, LLC.
5200 WILLSON ROAD, SUITE 150, EDINA, MINNESOTA 55424 952·836·2665
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MN RESIDENTIAL BUILDING CONTRACTOR LICENSE NO. BC643121

On March 19th, the council is slated to vote on additional draconian provisions and fees to amend its recently enacted (Dec 2012) Construction Management Plan. Additions include higher permit fees and administrative costs, $10,000 bonding requirement, mandatory insurance indemnifying the City, criminal penalties for property owners and controversial neighborhood approval requirements, to name but a few.

All of this was instigated – and rapidly facilitated – by a dedicated but small group of revitalization opponents aided by a few sympathetic elected and appointed officials.

I am writing to call your attention to this issue and to point out your stake in its outcome. As committed or potential stakeholders and investors in your neighborhood and the larger community – members of a group which far-outnumbers revitalization opponents – your voices need to be heard and represented. We urge you to weigh in and contribute your opinions to the discussions before it is too late. An issue of such great personal importance should not be decided without your input.

Sincerely,

Lon Oberpriller
President
The Replacement Housing Services Consortium, LLC

cc: Edina City Council
Edina Planning Commission

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March 14, 2013

Honorable James Hovland, Mayor
City of Edina
4801 West 50th Street
Edina, MN 55424

re: Neighborhood Revitalization

Dear Mayor Hovland:

In the interest of balance, please allow me to offer some observations about the current new-house/building-setback controversy now playing out in the Planning Commission.

It's important to appreciate that the relevant topic is neighborhood revitalization, not sideyard setbacks or the construction management plan. Revitalization impacts the future economic health of both the municipality and homeowners. Building or rebuilding new houses is the most-visible component of revitalization, but must be considered within the larger neighborhood context.

Several specific observations are appended to this letter. Key points are:

- Revitalization is essential to all mature cities and suburbs. A community that does not revitalize is by definition a community in decline.
- Edina is by far a net beneficiary from its recent revitalization activity.
- Revitalization is occurring here as private activity. Most communities attempt to leverage revitalization with public funding. Our revitalization is thus a gift to taxpayers.
- As is always the case, contemporary homes reflect market demand. New houses are not foisted on the community by homebuilders; they are chosen by fellow citizens.
- New and transformed houses represent a collective private investment of hundreds of millions of dollars by Edina property owners. If municipal actions cause expected continued revitalization to falter in their neighborhoods, they will not be happy.

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- The municipality is bound by state law. Planning precedent on permitted uses is well-established. Any restrictions based largely on complaints are subject to legal challenge.

- The path forward is through education, by fully understanding how market forces always drive changes in housing by rewarding the best and penalizing the worst. Additional regulations only function to retard.

Thank you for considering these insights and the appended observations.

Sincerely,

Lon Oberpriller
President
The Replacement Housing Services Consortium, LLC

cc: Edina City Council
Edina Planning Commission

Revitalization is essential to all mature cities and suburbs.

Until fairly recently, developable land has always been available somewhere in Edina. So as market preferences evolved from one decade to the next, there was always open property to build then-contemporary homes. But from now on, most redevelopment will occur in built-up neighborhoods. While this is a routine occurrence in older American communities, it is a relatively new situation for Edina. Inevitably some residents will object to changes because they feel personally threatened by what seems to them a break with the past.

Of course the Council must think of the entire community. And from a community-wide perspective, housing renewal-neighborhood revitalization is essential, for two reasons. One is that buildings depreciate, physically and economically. So generally throughout any community, property appraisals typically discount value based on increasing age. In historic districts like Country Club, intrinsic visual qualities must be maintained. Though even here many houses have been expanded substantially, on small lots. Ironically, Country Club could not be built from scratch today under present-day restrictions.

The other reason revitalization is essential is that market preferences change almost by the decade. Older houses are often perceived as stylistically dated and functionally obsolescent. Less attractive to buyers, their resale potential softens.

Edina is by far a net beneficiary from revitalization.

This is true in three respects. New/ transformed houses pay substantially more in property taxes. To illustrate, a representative group of twenty new houses built between 2005 and 2009 showed a 329-percent increase in taxes paid, collectively on the properties, from $84,925 pre-redevelopment to $365,269 after.

Second, these large private investments stabilize adjacent older properties, making them more valuable than would have been the case had no redevelopment occurred. And third, many owners of older houses in revitalizing neighborhoods have sold out at much-higher prices than if their properties had been located in non-revitalizing neighborhoods elsewhere in Edina.

Revitalization is occurring here as private activity.

Given that the municipality has no experience with neighborhood-redevelopment programs, it is easy to under-appreciate how significant this is. Housing rehabilitation/neighborhood redevelopment programs have been underway in the metro area since the late 1960s. These cost tens-of-thousands of dollars per property in publicly-funded acquisition, write-downs, and administration. Most of these new houses are modest-cost, and thus pay much-lower property taxes than the Edina norm. It is no wonder that Edina's private revitalization is the envy of its neighboring communities.

Contemporary homes are a response to market demand.

Contemporary houses of any given era reflect current popular taste and standards. A homebuilder who does not offer what buyers want will soon be out of business.

In a sense, Edina suffers from an embarrassment of riches, in that it overwhelmingly attracts affluent buyers. Average 2012 sales prices were $200,000 higher than for the next-highest area community, Minnetonka. Since 2007 the sales percentage of million-dollar properties in Edina (9.74) dwarfs those of Minnetonka (1.44), Minneapolis (0.82), Golden Valley (0.56), Hopkins (0.33), St. Louis Park (0.17), and Bloomington (0.15). This has also been the case with respect to actual numbers, where Edina's 285 million-dollar houses sold since 2007 far-surpassed the 189 in much-larger Minneapolis, where home sales average more than 4,000 units per year compared to about 500 in Edina.

Buyers paying top dollar naturally insist on today's expected features such as mud rooms, first and second floor laundries, gourmet kitchens, larger garages, and the like. These do take more space, so today's newer houses are much larger than, say, a 1950s rambler that they may replace.

Still, it should be noted that increased size is not just associated with expensive houses. Nationally today's average new house is more than three-times larger than its postwar counterpart, an era when a large part of Edina was developed. And will soon require redevelopment. So the matter of changing neighborhood scale is endemic, and will be from now on.

New homebuyers expect their neighborhood's revitalization to be completed.

Even for the affluent a new home is a major personal investment. If their neighborhood's revitalization is now limited or even halted by additional municipal restrictions, then they may face potential losses in resale value on their good-faith investment. Others who expect to sell their property because of rising values could be hurt too. If this occurs, the Council should expect much-more citizen discontent than it has received up to now from revitalization opponents.

The municipality is bound by state law.

With respect to restrictive zoning and building code conditions, Minnesota planning law has been unambiguous since the 1960s. When Minneapolis undertook a massive downzoning in the early 1970s, city attorneys cautioned staff that by settled state law every privately owned parcel must have a permitted use. And—critically—that this use must be reasonable for its situation.

The implications are easy to apply to the present controversy in Edina.

If legal, privately owned parcels are restricted from redeveloping according to current market conventions, then that could be construed as a public taking. This contention would be even more difficult to defend against if the restrictive public action were the result of complaints, rather than professional findings of fact, as Minnesota planning law requires.

Market forces always drive changes in housing.

Any regulatory approach must acknowledge the contemporary market. A community can regulate itself out of market desirability, or, worse, contort possible design solutions into market-substandard forms.

Neighborhood revitalization can be a very emotional topic.

It has resulted in polarization between proponents and opponents. In Edina the arguments have devolved into property-rights assertions which insist on additional restrictions on massing, size, and scale. But these kinds of provisions have been unsuccessful in achieving good outcomes when tried elsewhere. That is because as a practical matter, one cannot regulate or mandate taste or personal preferences, or even effectively define beauty and other intangibles.

Every community's position on revitalization is fundamental.

Do you shape the future? Or do you attempt to absolutize the status quo? Change occurs either way. Revitalization means significant private reinvestment, which upgrades the housing stock – in Edina at no cost to the municipality. And consequent additional property-tax support of schools and public services.

On the other hand, resisting revitalization is a disincentive to significant private reinvestment. Any upgrades are spotty and the remaining housing stock becomes increasingly obsolete, and thus less-attractive to prospective homebuyers. Community-wide, property values can plateau or even fall. Absent the increased property-tax revenues from private housing reinvestment, everyone's taxes rise to make up the difference.

This is not conjecture.

With Edina's decade-long housing-renewal track record and a consequent large base of examples, it is now possible to clearly demonstrate how the resale market quantifies various building solutions. This mechanism effectively rewards the best while economically punishing the worst. Fear of resale loss is thus a far-more-powerful and effective motivator than heightened regulation. Already assembled data can usefully educate those involved about the harsh penalties resulting from bad or excessive building practices.

So the path forward is through education, by fully understanding how market forces drive changes in housing. And thus how to support the best interests of Edina.

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