

**Minnetonka Planning Commission
Minutes**

Nov. 30, 2023

1. Call to Order

Chair Sewall called the meeting to order at 6:30 p.m.

2. Roll Call

Commissioners Maxwell, Powers, Waterman, Banks and Sewall were present. Hanson and Henry were absent.

Staff members present: Assistant City Planner Susan Thomas and Planner Bria Raines.

3. Approval of Agenda: The agenda was approved as submitted.

4. Approval of Minutes: Nov. 9, 2023

Maxwell moved, second by Powers, to approve the Nov. 9, 2023 meeting minutes as submitted.

Maxwell, Powers, Waterman, Banks and Sewall voted yes. Hanson and Henry were absent. Motion carried.

5. Report from Staff

Thomas briefed the commission on land use applications considered by the city council at its meetings on Nov. 13, 2023 and Nov. 27, 2023:

- Discussed an increase in land-use application fees being considered by the city council.
- Adopted a resolution approving preliminary and final plats approval for Priory Woods, a three-lot subdivision, at 4633 Sparrow Road.
- Upheld denial of a variance application to increase the size of a three-vehicle garage for 3345 Honeywood Lane.
- Discussed a concept plan for a townhome redevelopment at 3514, 3518 and 3522 County Road 101 for Doran.

The next planning commission meeting is scheduled to be held Dec. 14, 2023. The planning commission meeting scheduled for Dec. 28, 2023 has been canceled.

6. Report from Planning Commission Members: None

7. Public Hearings: Consent Agenda

No item was removed from the consent agenda for discussion.

Banks moved, second by Maxwell, to approve the item listed on the consent agenda as recommended in the staff report as follows:

A. Variances for construction of a new house at 2492 Bantas Point Road.

Adopt the resolution approving variances for the construction of a new home at 2492 Bantas Point Road.

Maxwell, Powers, Waterman, Banks and Sewall voted yes. Hanson and Henry were absent. Motion carried and the item on the consent agenda was approved as submitted.

Chair Sewall stated that an appeal of the planning commission's decision must be made in writing to the planning division within ten days.

8. Public Hearings

A. Items concerning the construction of a new house at 2404 Bantas Point Road.

Chair Sewall introduced the proposal and called for the staff report.

Raines reported. She recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Alex Lang, representing the owner and applicant, Matt Johnson, stated that:

- Raines did a great job of laying out the applicant's goals.
- The proposed house would be 2,549 square feet in size.
- The proposal would reduce the site's amount of hardcover by 800 square feet.
- He hopes to save the large tree on the east side of the site.
- The side-yard nonconformance would increase from 5.1 feet to 6.8 feet to allow more of a buffer without impacting the overall lot.
- He appreciated everyone's time reviewing the proposal.

Powers asked if it would make more sense to remove the unhealthy tree now. Mr. Lang stated that he would work with the city forester to make that determination. A certified arborist determined the tree is unhealthy.

Matt Johnson, the applicant, stated that:

- The new structure would be the most modest development possible for a property that has an assessed value of over \$1 million annually.

- The proposal would move the current location of the residence back from the water. The current setback from the water is 27 feet. The proposed house would be located 50 feet from the water.
- The livable square footage of the proposed house would be about the same as the existing residence.
- He also owns 2409 Bantas Point Lane which is adjacent on the east and north. He would be the property owner impacted by the proposed setbacks.
- Several neighbors have written letters in support of the proposal.
- The current structure is very dilapidated.
- Most other property owners would build the largest structure possible. The proposed house would have one level and fit in with the neighborhood.
- The proposed house would be further away from the water than the existing one. The existing house is the only one close to the water on the north side of the channel. The proposal would benefit all of the residences in the area.
- He appreciated staff's work on the proposal and the recommendation for approval.
- He was available for questions.

The public hearing was opened.

Brandon Spinler, 2401 and 2410 Bantas Point Road, stated that:

- His property is adjacent to the east side of the property. He would like the tree to be saved. It is still attractive and provides character for an otherwise totally grass lot.
- He asked for clarification if any existing protections for the floodplain would be reduced. The area flooded in 2014 and he is concerned that it could happen again if current protections would decrease.
- He supports the proposal in general. He agrees with Mr. Johnson. The proposal would benefit the neighbors and improve the site.

No additional testimony was submitted and the hearing was closed.

Raines explained that engineering staff are comfortable with the setback due to additional water storage being created on the site to offset the change. Thomas explained that Minnetonka allows a floodplain to be altered when the same volume of water storage is relocated on the same property. The engineers found that the proposal would meet that requirement. The location of the water storage would change, but the volume and ability of the water to reach that storage would remain the same. The floodplain protection area would not decrease, but would move elsewhere on the site.

Waterman stated that:

- A lot of work went into the proposal.
- He supports the project.
- The Bantas Point area is a unique place.
- Staff have approved the proposal from an environmental perspective.
- The house would be a nice-looking, modest design.
- He commended the applicant for including the neighbors when developing the proposal and creating a plan to benefit everyone in the area.
- There is a lot of information in the staff report.
- The proposal would deal with difficulties on the site, create a one-story profile and move the house further back from the lake.
- He supports staff's recommendation for all of the reasons listed in the staff report.

Powers stated that:

- He agrees with Waterman.
- He appreciates the applicant proposing a house of modest size for the area.
- He supports the proposal.
- It is great that the proposal would pull the location of the house back from the water.
- He wishes the applicant luck.

Banks stated that:

- He supports the proposal.
- The proposal would be an improvement to what is currently there.
- It is a challenge to build a house on 830 square feet.
- He commended the applicant for not proposing a larger house that would be too large for the area and need larger setbacks.
- The proposed house would be functional, beautiful and fit in the area.

Maxwell stated that:

- She supports the proposal.
- The proposal is a thoughtful redevelopment of a unique property.
- The proposal would move the house location further from the water; provide a larger setback from the neighbor; and reduce the amount of hardcover, which is admirable.
- There are four neighbors in support of the project which shows the applicant has worked with the neighbors to create the proposal.
- She supports staff's recommendation.

Chair Sewall stated that:

- The proposal would create a net positive.
- The proposal would be thoughtful and considerate to the environment and neighbors.
- He supports staff's recommendation to approve the application.


Waterman moved, second by Maxwell, to recommend that the city council adopt the resolution approving a floodplain alteration permit and setback and tree protection variances at 2404 Bantas Point Road.

Maxwell, Powers, Waterman, Banks and Sewall voted yes. Hanson and Henry were absent. Motion carried.

Chair Sewall stated that this item is scheduled to be reviewed by the city council at its meeting on Dec. 18, 2023.

9. Adjournment

Maxwell moved, second by Banks, to adjourn the meeting at 6:56 p.m. Motion carried unanimously.

By: 
Lois T. Mason
Planning Secretary