

**Minnnetonka Planning Commission  
Minutes**

**March 23, 2017**

**1. Call to Order**

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

**2. Roll Call**

Commissioners Powers, Schack, Sewell, Calvert, Knight, and Kirk were present. O'Connell was absent.

Staff members present: Assistant City Planner Susan Thomas, Water Resources Technician Tom Dietrich, and Natural Resource Manager Jo Colleran.

**3. Approval of Agenda**

***Schack moved, second by Sewall, to approve the agenda as submitted with modifications and additional comments provided in the change memo dated March 23, 2017.***

***Powers, Schack, Calvert, Knight, and Kirk voted yes. Sewall abstained. O'Connell was absent. Motion carried.***

**4. Approval of Minutes: March 2, 2017**

***Schack moved, second by Sewall, to approve the March 2, 2017 meeting minutes.***

***Powers, Schack, Calvert, Knight, and Kirk voted yes. Sewall abstained. O'Connell was absent. Motion carried.***

**5. Report from Staff**

Thomas briefed the commission on land use applications considered by the city council at its meeting of March 6, 2017:

- Adopted a resolution approving a preliminary plat for a two-lot subdivision on Cottage Lane.
- Adopted a resolution approving a conditional use permit for expansion of a medical clinic on Wayzata Boulevard.

- Adopted a resolution approving a conditional use permit for an over-sized accessory structure and a second curb cut on Avondale Street.
- Adopted a resolution approving a replat of the Seville property. The nuisance conditions were rectified before the city council's review of the proposal.
- Reviewed a concept plan for an apartment building with 240 units for Newport Midwest.

The next planning commission meeting will be April 6, 2017.

There will be a neighborhood meeting on March 30, 2017 at 7 p.m. at the Hopkins High School to review plans to improve baseball and soccer fields at Hopkins High School.

There will be a neighborhood meeting on April 6, 2017 from 5:30 p.m. to 6:30 p.m. at the fire station to review plans for improvements to the civic center campus and lighting of a soccer field north of Ice Arena B.

There will be another neighborhood meeting on April 6, 2017 from 4:30 p.m. to 6:30 p.m. in the Minnehaha Room to review revised concepts for the Shady Oak Road redevelopment project.

**6. Report from Planning Commission Members: None**

**7. Public Hearings: Consent Agenda: None**

**8. Public Hearings**

**A. Preliminary and final plats with front setback variances and waiving of the McMansion Policy for The Enclave at Regal Oak at 3639 Shady Oak Road and 3627 Regal Oak Lane.**

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

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

Powers asked if decreasing the house size would save more trees. Thomas explained that reducing the size of the houses would not be sufficient to save additional trees because the topography the site makes the proposed amount of grading necessary. Colleran agreed.

In response to Chair Kirk's question, Thomas clarified that the buildable area would not be made larger by shifting the front and rear setbacks forward. According to R-1 ordinance requirements, the size of a single-family residence is not restricted as long as it meets setback requirements. The FAR in the report is based on Regal Oak. The McMansion Policy looks at properties within 400 feet and 1,000 feet on the same road. The highest FAR on Regal Oak is 0.16, within 400 feet 0.18, and up and down Shady Oak Road 1,000 feet 0.22.

Michael Halley, representing Airborne Construction One, applicant, stated that he supports everything in the staff report. The goal is to build three custom houses. He and the project's engineer were available for questions.

In response to Chair Kirk's question, Mr. Halley stated that the proposed lots are conventional, R-1 lots, so the McMansion Policy should not apply.

Chair Kirk asked for the size of the proposed houses. Mr. Halley said that the houses would be custom built for each buyer. He did not anticipate that the houses would be as large as the buildable area.

Calvert said that the slope is very steep. Mr. Halley answered that the driveways would have a modest elevation change of three or four percent grade angled up from the street to the garage. There would be some fill added.

Mr. Holley explained that shifting the front and rear setbacks forward would reduce the amount of fill and decrease the driveways' amount of impervious surface. The front setbacks would be consistent with the rest of the houses in Regal Oak.

Chair Kirk confirmed with Colleran that the required tree mitigation for the proposal would be determined at the time of the building permit review. Colleran explained that under no circumstance could more than 10 of the high-priority trees be able to be impacted.

Thomas explained how FAR is calculated. Based on the McMansion Policy, Lot 1 would be allowed to have a house up to 4,900 square feet, Lot 2 up to 4,800 square feet, and Lot 3 up to 5,100 square feet in size. Mr. Halley felt that was a reasonable estimate of the sizes of the proposed houses. He stated that the builder and buyer want to preserve as many trees as possible. Building custom homes would allow as much tree preservation as possible.

Powers asked if he had an idea of the price. Mr. Halley estimated in the \$800,000s.

The public hearing was opened.

Vanessa Greene, 3632 Arbor Lane, thought this felt like a bait and switch because she has been told that there is a need for single-level, senior living, but the proposed houses would be huge and trees would be removed. It was shocking to her. She wanted the McMansion Policy enforced so that the houses would fit with the character of the neighborhood.

Cheryl Smith, 3624 Arbor Lane, thanked Thomas for keeping her informed throughout the process. She would appreciate tree mitigation on the east side of the site.

Ron Hanson, 12215 Mari Lane, pointed out a slope and pond. There is a concern of erosion and water running off the hill. A two-story house would be visible from Arbor Lane.

No additional testimony was submitted and the hearing was closed.

Calvert said that the developer has worked very hard. She shared the neighbors' sentiments regarding tree loss. All of the lots would meet ordinance requirements and the McMansion Policy would not be applied if the building pads would not be shifted forward 10 feet in order to preserve more green space and decrease fill. The shifting of the front and rear setbacks would not allow a larger house to be built. She encouraged staff to work closely with the developer during the grading and building permit review process to enforce the tree ordinance.

Chair Kirk stated that the lots would meet all R-1 ordinance requirements and the McMansion Policy would not be applied without the variance to decrease the front setback.

Schack noted that the other lots in the area have 25-foot front setbacks, but the houses are smaller than the proposed houses. She felt that not waiving the McMansion Policy would keep with the spirit of the policy by restricting the size of the houses if the setback would be decreased.

In response to Powers' question, Collieran stated that removal of a tree that should have been saved would cost \$500 per inch of diameter with a maximum of \$5,000 per tree. A stop work order would be issued for the site until the issue would be resolved.

Chair Kirk noted that neighbors have enjoyed the view of 2.8 acres with one house for many years. The property owner has paid substantial property taxes and has rights to develop the site in accordance with ordinance requirements.

Sewall said that the setback variance seems to be a win-win situation and would not cause the loss of additional trees.

Calvert encouraged the developer to be mindful of the neighbors. It would disrupt the character of the neighborhood to have houses two times larger than the existing houses.

Thomas explained the stormwater management for the site. Dietrich explained that the rate of runoff would be controlled to maintain or reduce the existing conditions. There would be a slight reduction across the board for all of the rain events modeled. Raingardens would be moved to the west, off of Regal Oak, and receive drainage from all three lots. The proposal would reduce the rate of runoff and meet all stormwater requirements while reducing the steep-slope area.

Chair Kirk thanked the neighbors for attending the meetings. He supports the setback. He would like the McMansion Policy applied. The final plat makes sense.

***Calvert moved, second by Schack, to recommend that the city council adopt the resolution approving preliminary and final plats with front yard setback variances and enforcing the McMansion Policy for The Enclave at Regal Oak at 3639 Shady Oak Road and 3627 Regal Oak Lane.***

***Powers, Schack, Sewall, Calvert, Knight, and Kirk voted yes. O'Connell was absent. Motion carried.***

**9. Adjournment**

***Knight moved, second by Sewall, to adjourn the meeting at 7:40 p.m. Motion carried unanimously.***

By: \_\_\_\_\_  
Lois T. Mason  
Planning Secretary