

GREENWOOD PLANNING COMMISSION
WEDNESDAY, AUGUST 8, 2018
7:00 P.M.

1. CALL TO ORDER/ROLL CALL

Chairman Lucking called the meeting to order at 7:00 p.m.

Members Present: Chairman Pat Lucking, Commissioners Dean Barta, Jennifer Gallagher (arrived at 7:05), and David Steingas

Others Present: Council Liaison Kristi Conrad (arrived at 7:05), and Zoning Administrator Dale Cooney

Absent: None

2. MINUTES –July 11, 2018

Motion by Steingas to approve the minutes as written. Motion was seconded by Barta. Motion carried 3-0.

3. PUBLIC HEARINGS

3a. Consider variance and conditional use permit requests of Siu Ling Martinez and Jason Froberg, property owners, to encroach into the exterior side yard setback, to exceed the maximum allowable tree removal, for a reduction from the minimum required house width, and to exceed the maximum permitted grade alteration, and for construction on a substandard lot in order to construct a new house on the currently vacant lot at 21385 Minnetonka Boulevard.

Lucking introduced the agenda item and opened the public hearing.

Alvin Harnell of 5030 Greenwood Circle said that he tried to expand his shed and was told that it probably would not be approved. He said runoff is a big issue. He said that the house would be over 30 feet tall and would look like a tower. He said that the proposal doesn't fit in the neighborhood and that Greenwood is a classy place. He said that if he were one of the owners of the million dollar properties down the street he would be upset that this house is going to be squashed in the corner. He said that he thinks the property at 21355 Minnetonka should be combined with this property.

Harnell asked about the height of the house. Steingas said that it was about 26 feet tall.

Steingas asked about the massing. Cooney said that it was well under the massing restrictions.

Gallagher asked how tall the house would be without the added fill. Steingas said that they are having to raise the garage to make it level with the high side of the property.

Harnell said that the ditch on the south side of Minnetonka Boulevard is already flooding and that they would add impacts to this.

Lucking said that there seemed to be natural ponding on the north side of the lot. Jason Froberg, applicant, said that that is where they are proposing to put the raingarden. Siu Ling Martinez said that they were working with an engineer to address the runoff issues. Froberg said that all of their runoff would be captured by the raingarden.

Beverly Wright said that she was concerned about more runoff since they already get runoff from the neighbors. Lucking said that a mitigation plan is required. Steingas said that they had provided a mitigation plan from Advance Surveying that would manage the water on the property.

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Harnell said that he thought there was an underground drainage problem.

Cooney said he confirmed the height to the midpoint of the house to be 24 feet tall. Steingas asked what it would be without the fill on the north side. Cooney said that they were adding about 2.5 feet of fill in the northwest corner near the garage.

Fred Parduhn of 21355 Minnetonka Boulevard said that he thought the minimum lot size was 10,000 square feet. Lucking said that the minimum lot size is 10,000 but the city council has had a lot of discussion recently that all lots in Greenwood are potentially buildable lots. He said that the city taxes the lots as buildable lots. He said that the former property owner at 21493 Minnetonka Boulevard sued the city to allow that property to be a buildable lot.

Lucking said that, because it is a corner lot and has 2 thirty foot setbacks, there is not an adequate buildable area and the city needs to consider a variance from the Highview setback.

Martinez said that they have worked extensively with their architect over the last two years to build a modest house. She said that the footprint is under 2,000 square feet which is considered very small by current standards.

Lucking said that it is admirable that they are under the massing and hardcover requirements for a lot of that size.

Barta asked about visibility to Minnetonka Boulevard from Highview Place. Martinez said that they are not near the stop sign and the driveway is on Highview Place so that would not impact the flow to Minnetonka Boulevard and that no views would be obstructed.

Froberg said that they were keeping most of the trees on the property.

Cooney said that the house would be set back 45 feet from the edge of the road.

Steingas asked how much further back the neighbor's house was from the road. Cooney said that he didn't know. Steingas said that house was much further back.

Matthew Nolan of 5040 Highview Place asked about the utility pole near the property. Froberg said that the power for the rest of Highview Place comes from a buried power line.

Lucking closed the public hearing.

Conrad said that the property line is 15 feet back from the street, so the house would be further back than it is. Cooney said that was correct and that from the edge of the road to the front of the house is about 30 feet.

Conrad said that she appreciated the thoughtful effort put into the plans. Conrad asked if there is a location of the driveway that would help reduce the amount of fill on the property.

Steingas said that driveways are typically put on the high side of the property, and that in this case the driveway is on the low side of the lot which requires more fill. He said that the driveway was pretty close to Minnetonka Boulevard. He said that he would suggest sacrificing more trees and moving the house away from Minnetonka Boulevard and have the driveway come out on the high side of the lot.

Martinez said that would require losing more trees. Lucking said that losing the trees is better than the extra fill.

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Conrad said that the house is closer than the neighbors on either side and wondered whether one of those setbacks could be matched. She said that the trees are a big deal, but they can be replaced and that she is more concerned about site lines and mitigation.

Cooney asked why the water issue would change if the house were moved back. Conrad said that there would be less fill. Cooney said that every time he talks to the city engineer about stormwater the answer is the same: the issue is hardcover and everything else contributes a tiny fraction to the equation, including the grading.

Matthew Nolan asked how they bought the lot thinking it was buildable and now have to try and fit something on the lot. Lucking said that we don't know what that conversation was. Steingas said that it is being taxed as a buildable lot and assessed for sewer.

Lucking said that the property at 21493 Minnetonka Boulevard sued the city and won to build on that substandard lot and that has set a precedent.

Steingas said that the setbacks are the thing he has the biggest problem with since they are impacting the neighbors. He said that pushing the house to the corner is the thing he thinks will most impact the neighborhood. He said that he thinks the driveway is too close to Minnetonka Boulevard. Steingas said that he is fine with the height, the massing, and the hardcover, but he has an issue with the placement of the house on the lot. He said that the architect is very good and he has worked with her. Steingas said that he would be willing to sit down and discuss the placement of the house.

Cooney said that the house could be pushed back more from Highview Place since the only encroachments are steps and an egress window.

Steingas said that if the garage/driveway were on the high side of the lot, then there would be less grading and more light would be able to come in naturally without egress windows.

Martinez said that there were some complications with that. Froberg said that they wanted to save the large Black Walnut tree on the lot.

Gallagher asked about replacement trees and their placement. Cooney said that they could be placed anywhere on the owners property, or that a fee in lieu of trees could be paid to the city if there was not enough room for replacement. Gallagher was worried about stop sign visibility. Cooney said that they could not plant trees in the city right of way or block the corner clearance.

Lucking asked how far the house could be set back to the rear. Cooney said that the rear setback was 35 feet.

Barta asked if trees were the primary factor for the location of the house. Martinez said that that was part of it and that many more trees would be removed if it were moved back on the property. Froberg said it was a balancing act.

Steingas said that he would like to see it balanced more with the neighborhood by moving it back on the lot and switching the driveway. He said that the city could be flexible on the trees. Froberg said they could do that.

Cooney said that the grading is a CUP, but the tree removal is a variance. He said that the city code puts more emphasis on the trees and that might be why some decisions were made this way.

Lucking said that his biggest concern is the grading.

Conrad said that when she built her house she tried to do everything she could to save as many trees as possible. She said that many she attempted to save died anyways because grading and

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construction impacts tree survival. She said that if she could do it over again, she would have put less emphasis on the trees.

Steingas said that he has been building houses for 40 years and he has the same advice. He said that trees are a renewable resource and can be replanted.

Barta asked if there was a 3D rendering that showed the view. Martinez said that they did not do that since it was an extra expense.

Lucking said that he does not think a decision needs to be made today and that he would like to see what would happen to the grade and driveway if the house is moved back on the lot or if the driveway is moved back on the lot.

Steingas said that the fill and setbacks are the hardest things and that he would suggest sitting down with the architect and look at some alternatives to comply more with setbacks and fill but removing more trees.

Lucking said that he would be comfortable with the removal of more trees.

Cooney said that the city could request another 60 days and that there could be a design meeting to discuss design alternatives before it comes back to the planning commission. He said that the planning commission could also recommend conditional approval with a list of proposed changes and send that to the city council and here their input before there is another iteration.

Steingas said that it becomes an issue for the applicant since he does not think the current version would pass the planning commission. He said that they could take it to the council without a recommendation of approval or work with the planning commission on design alternatives before going to the city council.

Cooney said, in that case, it would be on next month's planning commission agenda and that there would be an interim meeting to discuss design changes.

Steingas said that he appreciates the size of the house designed.

Froberg said that if that is what they have to do, they will do it. He said that he wants to get it right. Lucking said that they already have gotten a lot right.

Cooney said that would likely get a decision at the October 3 city council meeting, but it could be as late as November 22 as the maximum timeline allowed by law.

Steingas said that they could recommend approval with conditions. Conrad said that too much would change and that would be too risky. Lucking agreed.

Wright asked what would happen if there is additional runoff from the house. Conrad said that ultimately the property owner is responsible. Steingas said that their engineer submits a mitigation plan that is reviewed by the city engineer before a building permit is issued.

Wright asked what if that doesn't work. Cooney said that it becomes a private matter if it has met the requirements of the city.

Motion by Steingas to take an additional 60 days to review the request, to have a consultation meeting with the architect and homeowner, and to consider design revisions at the next planning commission meeting. Motion was seconded by Gallagher. Motion carried 4-0.

Barta asked if the house was staked on the lot. Froberg said no.

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4. LIAISON REPORT

Conrad presented the liaison report.

Conrad said that they discussed the grading issue and is moving ahead with the planning commission's recommendation except changing the conditional use permit to a variance.

Steingas asked how Deephaven regulated it. Cooney said it was a variance. Conrad said that the council felt more comfortable with the variance since it was easier to say no if they had to.

Conrad said that the rezoning is still in the works but was postponed again. She said that the council also discussed city fees.

Cooney noted that the variance requests at 5185 Greenwood Circle and 21550 Excelsior Boulevard passed. Cooney said that at 21550 Excelsior Boulevard the applicant removed driveway to get around the structural-related hardcover issue.

Conrad said that there was a request to name the park after the McQuinn family who have funded many of the improvements.

Conrad said that there was a request to change the park path to something that was easier to walk on and that a walker or a wheel chair could navigate.

Conrad said that the tennis court was painted with two pickleball courts.

5. ADJOURN

Motion by Steingas to adjourn the meeting. Barta seconded the motion. Motion carried 4-0. The meeting was adjourned at 8:17 p.m.

Respectively Submitted,
Dale Cooney - Zoning Administrator