

1. CALL TO ORDER/ROLL CALL

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

Members Present: Chairman Lucking and Commission members John Beal, David Paeper, Mark Spiers and Alternate members Bill Cook and Brian Malo

Absent: Commissioner Todd Palmberg

Others Present: City Attorney Mark Kelly, Council Liaison Tom Fletcher and Zoning Administrator Gus Karpas.

Alternate Brian Malo was a voting member.

2. APPROVE AGENDA

Commissioner Beal moved to accept the agenda for tonight's meeting. Commissioner Paeper seconded the motion. Motion carried 5-0.

3. MINUTES OF December 15, 2010.

Commissioner Malo moved to approve the minutes of December 15, 2010. Commissioner Beal seconded the motion. Motion carried 5-0.

4. PUBLIC HEARING

ORDINANCE AMENDMENT – To consider Ordinance 193, amending Chapter 11 to remove parking requirements for uses not permitted in the city and to amend provisions regulating parking for multi-use buildings.

Chairman Lucking explained the proposed ordinance to the members of the public in attendance. He said it is twofold in that it removes unneeded parking restrictions for uses that will never be in the city and corrects an error in the ordinance which requires unrealistic parking requirements for multi-use structures.

Chairman Lucking opened the public hearing.

T. White, 5290 Meadville Street, asked how the necessary parking is determined when there are mixed uses. Chairman Lucking said it's done logically citing an example where a property contained an office building and a marina, it is realistic to think that the office use would be primarily during weekday and the heaviest marina use would be on the weekend.

Mr. White said that a property near his home has multiple uses and he believes there's a problem with adequate parking and that it seems to be a fluid situation. Chairman Lucking noted all those uses are already in place and the plan was evaluated based on the proposed uses. Mr. White said he heard the approved plan was going to be altered.

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Commissioner Beal said he's operating on the belief that it's unreasonable to require a property owner to count the required parking spaces based on each individual use since there is bound to be some overlap. This ordinance would require the property owner to analyze the overlap and provide an estimated parking need. The ordinance goes on to say if the anticipated parking was wrong, the city has the right to request further data from the property owner and then can require change if necessary.

Debra Antone, 21957 Minnetonka Boulevard, asked if the ordinance would impact the commercial property adjacent to her home. Chairman Lucking said it would.

Chairman Lucking explained that the ordinance amendment is necessary to give the city more control over parking. The property adjacent to Ms. Antone and Mr. White was approved by a Conditional Use Permit ten years ago and at that time a formula was applied based on the proposed uses to develop the number of parking spaces needed. Lucking said the ordinance amendment would now give the city the ability to revisit parking at any time when it seems there are not enough spaces and allows to the city to force change.

City Attorney Kelly said an ordinance was adopted and Conditional Use Permit was issued at the time the development of the Boathouse property. Now it seems the owner would like to demolish the restaurant building and construct a new office building. The proposed ordinance would put the burden on the owner to provide data showing the parking demands can be met and if there are issues, the city can review the situation and require change if necessary, including requiring the change of use after a one year notification.

Commissioner Beal noted that if there was a Conditional Use Permit request to construct a new office building, the neighbors would be notified.

Ms. Antone said there have been times when the parking on the adjacent property was not enough and people would park in the St. Alban's Villas parking lot. Chairman Lucking said this ordinance would address that issue.

Mr. White clarified that this amendment would affect the Boathouse property. Chairman Lucking said it would, more negatively than positively. City Attorney Kelly added that the proposed ordinance gives the city the ability to force review and allows for enforcement to address deficiencies.

Hearing no further public comment, the public hearing was closed.

Commissioner Beal requested a change that clarifies the parking space requirement for a multi-use building in the absence of a conditional use permit. Mr. Kelly agreed to make that clarification before sending the proposed ordinance to the City Council.

Commissioner Paeper asked about the scaled plan requirement and why a 1"–30' scale was chosen. City Attorney Kelly asked what he would suggest. Paeper suggest language stating a scaled plan needs to be submitted. The Commission agreed to the change.

Commissioner Beal said his understanding of the ordinance is that when a property is developed the parking is established. If the use is changed or expanded, the city can

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give a sixty day notice to the owner to provide proof they are complying with the parking requirements. If they are not, the owner must either correct the parking or the city can force a change of use within a year.

Council Liaison Fletcher asked about the scenario where a property is developed and complies with the parking, but then there are changes in either the use or it becomes a mixed use. City Attorney Kelly said the change would require a change in the parking and the owner would have to show compliance with the requirements.

City Attorney Kelly said the Commission may want to consider amending the ordinance in the future to address the type of situation Councilmember Fletcher described.

Commissioner Paeper said a change in use would require a building permit and a permit can be denied if the parking cannot be met.

Motion by Commissioner Beal to recommend the City Council adopt proposed Ordinance 193, as amended. Commissioner Paeper seconded the motion. Motion carried 5-0.

5. LIAISON REPORT

Council Liaison Fletcher informed the Commission that Commissioner Todd Palmberg has resigned his position due to the sale of his home and that the Council has received an application from Douglas Reeder to serve on the Commission. He said the Council adopted the finished exterior ordinance and has ordered two new city signs to replace the existing ones which are in need of repair. He said the Council held the first reading on two ordinances, one prohibiting the depositing of snow onto public streets and another prohibiting overnight parking after a two inch snowfall. He said the city has been contacted by the City of Excelsior regarding the initial design work for the Excelsior Bay Bridge. He informed the Commission that the LMCC is starting the franchise renewal for Mediacom and if they had any comments they should submit them to him.

6. ADJOURN

Motion by Commissioner Spiers to adjourn the meeting. Commissioner Beal seconded the motion. The meeting was adjourned at 7:45 p.m.

Respectively Submitted
Gus Karpas - Zoning Administrator