

**GREENWOOD PLANNING COMMISSION**  
**WEDNESDAY, JULY 16, 2008**  
**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 Lucking and Commission members John Beal, Tom Fletcher, David Paeper (7:07), H. Kelsey Page, Todd Palmberg and Mark Spiers

Absent: None

Others Present: Council Liaison Jeff Sagal (7:02), City Attorney Mark Kelly (7:04) and Zoning Coordinator Gus Karpas.

**2. APPROVE AGENDA**

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

It was noted that a representative from the Boathouse may be in attendance at tonight's meeting to present a corrected version of their sign request.

Alternate Fletcher voted on this item.

**3. MINUTES OF June 18<sup>th</sup>.**

Commissioner Beal moved to approve the minutes of June 18<sup>th</sup>. Commissioner Page seconded the motion. Motion carried 5-0.

**4. LIAISON REPORT**

Council Liaison Sagal said the Council discussed the proposed sign request for the Boathouse. The Council was informed that the location shown on the submittal was incorrect. The applicant was asked to bring the correct request back to the Planning Commission.

Sagal said the Council briefly discussed the Massing Ordinance, held a second reading and approved the proposed Sign Ordinance with minor revisions and the ordinance permitting access onto Excelsior Boulevard for commercial properties. The Council also approved the SLMPD budget.

**5. PUBLIC HEARINGS**

**VARNIACE - Scott and Peggy Stefan, 5085 Greenwood Circle, (R-1A, 15,000),**  
request for a variance to exceed the maximum permitted impervious surface area with the construction of a new garage and screened porch. The proposed garage would be placed

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on the north side of the property and connected by a small mudroom. The proposed screened porch would be attached to the east side of the existing home.

The proposal is to exceed the maximum permitted impervious surface area of 30% by approximately 6.6%. The majority of the proposed additions would be constructed entirely over existing impervious surface area and the applicant proposes to remove impervious area from other portions of the lot equal to the addition areas not constructed over existing impervious surface. There would be additional reductions in impervious surface on other areas of the property.

Chairman Lucking opened the public hearing.

Peggy Stefan, 4725 Vinehill Road, presented the request, noting the garage addition has been moved to comply with the required setbacks and there's been a reduction in the overall amount of impervious surface area.

Mike Sharratt, Sharratt Design, said the plan has been redesigned from the one previously presented to the Commission. He said the garage has been reduced from a full two stall garage to a one stall garage with a workbench area. He said the size has been reduced by approximately one hundred and fifty square feet. He said the existing driveway will be used to service the garage and there will be no grade alteration in that area. He said there has been no change in the proposed screened porch. He said the property faces unique challenges due to how it sits in relationship to the road, sitting eight feet below it. He said the property takes on drainage from the road which requires the drainage swale currently on the property. In addition, the home was constructed without a lower level, which typically accommodates the mechanical equipment and storage needs.

Hearing no further comment, the public hearing was closed.

Commissioner Beal feels the applicant has addressed the concerns previously raised by the Commission. He feels the proposal is a better design than the previous proposal.

Commissioners Paeper and Palmberg were supportive of the request as presented.

Commissioner Fletcher noted that the proposed impervious surface calculations did not include the hardcover area contained in the drainage swale, raising the actual proposed amount of excess to 6.6% rather than 3.6%.

Mr. Sharratt noted that Commissioner Fletcher was correct and said that he had previously explained to the Commission that in order to comply with the setbacks for the proposed garage, there would need to be a sacrifice in the reduction of hardcover.

Commissioner Paeper said he appreciated the fact that the setback issue was addressed and there has been a reduction in the hardcover over what currently exists and said he was still in support of the request. He doesn't feel a denial on either the garage or porch would be reasonable. Commissioner Beal agreed.

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**Action:**

Motion by Commissioner Page to recommend that the City Council approve the variance request to construct a garage and screened porch addition, which would exceed the maximum permitted impervious surface area by 6.6%, as presented at 5085 Greenwood Circle. The applicant has demonstrated a hardship in the need to maintain a catch basin on their property and that the existing impervious surface issues on the property were not created by the applicant, rather by the previous homeowner with approval from the City. He noted that the applicant's claim that the grade and the lack of a basement did not meet the criteria for an undue hardship in his opinion since it is not necessarily unique. Commissioner Paeper seconded the motion. The motion carried 4-1. Commissioner Spiers voted against the motion, feeling that there could have been further reductions in the amount of impervious surface area.

**VARIANCE – Robert Schmitt, 21550 State Highway 7, (C-1, 20,000)** request to construct a new single story, multi-tenant commercial structure which would exceed the maximum permitted impervious surface area. The proposed impervious surface area would exceed the maximum permitted impervious surface area of 30% by approximately fifty-six percent.

Zoning Coordinator Karpas explained that the applicant has not submitted the required engineering information for review by the Commission as directed by the Council and the deadline for official action by the city is coming up, requiring the Planning Commission to act on the request, absent another extension by the applicant.

Chairman Lucking opened the public hearing. Hearing no comments, the public hearing was closed.

Commissioner Page discussed the expectations as they were explained to the applicant by the City Council. He said the applicant has not submitted any additional information to support his request.

**Action:**

Motion by Commissioner Page to recommend that the City Council deny the variance request to construct a new single story, multi-tenant commercial structure, which would exceed the maximum permitted impervious surface area by 56%, as presented at 21550 State Highway 7. The applicant has failed to submit the required information to permit a comprehensive review of his project in a timely manner, noting the city is up against the deadline for official action granted by the applicant. Commissioner Spiers seconded the motion. The motion carried 5-0.

**CONDITIONAL USE PERMIT - St. Alban's Boathouse, 21960 Minnetonka Boulevard, (C-2) Lake Recreational**, request for a conditional use permit to replace the existing temporary signage on the property with new permanent signage.

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Commissioner Page informed the Commission that, due to errors in the original application, the applicant was directed to come back to the Commission and present the corrected application.

It was noted that no one was available to present the request. The Commission inquired as to whether the applicant granted the city an extension. City Attorney Kelly said they had, but that the Commission has the ability make a motion on the request if they felt it were necessary at this time.

**Action:**

Motion by Commissioner Lucking to recommend that, until the applicant resubmits an accurate application, the City Council uphold the previous denial recommendation for the request to amend the existing conditional use permit to replace the existing temporary signage on the property with a new forty-four square foot permanent sign located on the mansard roof, as presented at 21960 Minnetonka Boulevard. Commissioner Beal seconded the motion.

**Discussion:**

Commissioner Page voiced opposition to the motion on the floor stating that the applicant still has time to resubmit the request under the agreed to extension and that any action by the Commission may be premature.

The Commission agreed. Chairman Lucking withdrew his motion. Commissioner Beal withdrew his second.

**ORDINANCE AMENDMENT** - Amending the Greenwood City Ordinance, amending Section 1100 of the Zoning Code; Definitions and adding provisions to Section 1140 of the Zoning Code; regulating building height, establishing a building volume regulation and grading regulations.

Chairman Lucking opened the public hearing.

Commissioner Beal made presentation pertaining to the issues leading up to the need for a massing ordinance, the options available for regulation of mass and the process proposed by the Commission for regulating mass in the City of Greenwood. The presentation included a discussion on the measurement process, the determination of building perimeter grade and the proposed limitation on grade alteration.

Beal discussed the proposed volume limits, presenting a graph developed using the measurements taken on a number of existing homes in the community and highlighted some examples including the home statistics and photos.

(Note: A complete copy of Commissioner Beal's presentation is attached to these minutes as "Attachment A".)

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Keith Stuessi, 5000 Meadville Street, discussed the volume measurement as it pertained to roof structures and questioned if it penalized steeper rooflines. Commissioner Beal said the proposed ordinance seeks to measure only that volume displaced by the home and roof structure. He did not believe it unfairly penalized those with steep roofs.

Bob Sevey 4926 Meadville Street said he was a vocal opponent of the previous version of the ordinance, but was delighted with the changes made. He is really pleased with the efforts of the Planning Commission to design an ordinance to address the weaknesses in the previous version.

Sandy Sevey, 4926 Meadville Street, asked about the examples used to develop the curve and how many of them fall into the too massive category. Commissioner Beal said the majority of those that were out of compliance with the proposed ordinance were located on smaller lots. He noted that those properties, under State Statutes, retain their right to their non-conformance when they are redeveloped.

Commissioner Beal noted there are a number of provisions in the existing Zoning Ordinance which make it impossible for a number of smaller lots to be developed in compliance with the regulations. He said the Commission has discussed the notion of being less willing to grant deviations from existing non-conformities.

Chairman Lucking said his concern with this ordinance has always been the allowable amount of mass. He said the Commission has made quite an effort to look at a variety of homes they deemed reasonable and created a curve based on them. The Commission has never sought to limit a property owner's aesthetic desires, rather limit the impact a home has on adjacent properties.

Mr. Sevey raised some concerns about how grade was to be measured under the proposed ordinance language noting the proposal to measure the mean grade of a lot may negatively impact those lots that are relatively flat with a steep drop-off. He said a method measuring the average grade of a lot would be simpler and ease the impact on those lots with extreme grade changes.

Chairman Lucking said the intent of the grade limitation provisions was to prevent someone from artificially building up a lot before or during construction. City Attorney Kelly said he would review the proposed language to suggest any changes that may be necessary.

Mr. Stuessi feels the proposed ordinance is a definite improvement over the previous one. He asked if the Commission measured any of the older small houses located on small lots. He feels these are the lots that will be most impacted by this ordinance. Commissioner Beal said he would be happy to share the data gathered to create the proposed curve, noting that the objective was not to specifically find homes that were out of compliance, rather to find homes that were reasonable and develop permitted volumes based on those.

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Mr. Stuessi said there have been inconsistencies in the application of the ordinances in the past as it pertains to redevelopment on smaller lots. He noted a couple of examples. Chairman Lucking said the administration of the ordinance is sometime subjective based on the views of the decisions makers in power at the time. He said there have been changes in the Statutes to protect those non-conforming homes on smaller lots.

Mr. Stuessi said he would like to see consistency in the expectations when these lots are redeveloped. Chairman Lucking said the proposed ordinance language is trying to grant a little leniency to smaller, while allow flexibility in design.

City Attorney Kelly noted that he will be adding a provision clarifying that the allowable volume is a maximum volume, not a guaranteed volume and that the other regulatory items such as impervious and setbacks must still be met.

Mr. Sevey suggested a notation be added indicating that grade measurements will be based on existing grade and not the grade, if altered, at the time of submittal for a building permit.

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

**Action:**

Motion by Commissioner Beal to recommend that the City Council approve the proposed ordinance amendment, amending the Greenwood City Ordinance, amending Section 1100 of the Zoning Code; Definitions and adding provisions to Section 1140 of the Zoning Code; regulating building height, establishing a building volume regulation and grading regulations. Commissioner Lucking seconded the motion. The motion carried 5-0.

**6. OTHER BUSINESS**

There was no other business raised for discussion.

**7. PLANNING COMMISSION LIAISON**

Commissioner Beal will serve as the Planning Commission Liaison at the August 6<sup>th</sup> City Council meeting.

**8. ADJOURN**

Motion by Commissioner Page to adjourn the meeting. Commissioner Paeper seconded the motion. The meeting was adjourned at 8:30 p.m.

Respectively Submitted  
Gus Karpas - Zoning Coordinator