

## 1. CALL TO ORDER/ROLL CALL

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

Members Present: Chairman Pat Lucking and Commissioners Kristi Conrad and Douglas Reeder

Absent: Commissioner David Paeper

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

## 2. MINUTES – February 19, 2014

Commissioner Conrad moved to approve the minutes of February 19, 2014 as presented. Commissioner Reeder seconded the motion. Motion carried 3-0.

## 3. PUBLIC HEARINGS

**Variance Requests, Richard Sundberg, 5125 West Street** – Request to construct an addition above an existing non-conforming garage and add a mudroom over the existing front stoop which would encroach into the minimum required front and east side yard setbacks and exceed the maximum permitted impervious surface.

Section 1120:15 of the Zoning Ordinance requires a minimum front yard setback of thirty feet and a minimum east side yard setback of fifteen feet. The applicant proposes a front yard setback of twenty-one feet and an east side yard setback of four feet for the proposed second story addition. The proposal requires a variance of nine feet of the required front yard setback and eleven feet of the required east side yard setback.

Section 1176.04(3)(3) permits a maximum permitted impervious surface area of 30%. The applicant is proposing an impervious surface area of 33% and is seeking a variance to exceed the maximum permitted impervious surface area by 3%.

Chairman Lucking summarized the request and opened the public hearing.

Tom Smith, 5135 West Street, said the garage has always been an issue in terms of drainage and view for his property, noting it is only four feet from the property line and only fifteen feet from his home. He feels the issues will only be made worse if the garage is permitted to increase in height.

Rick Sundberg, said the property has to have a garage and the intent is the use the existing garage. He wants to upgrade the existing home and clean up property to give it more curb appeal. He doesn't believe increasing the pitch of the roof would significantly impact the drainage. He noted the difficulties in moving the garage include the location of the existing well and the fact the entire front yard would be lost if it was place in a different location. Mr. Sundberg said there are current fire safety issues where the existing garage connects to the home and the proposal addresses those issues. He tried to design the project for the minimal impact on the adjacent properties. He feels he put the best plan forward.

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Mr. Smith likes the idea of the house being improved, but feels the garage is too close to his house.

Hearing no further public comment, the hearing was closed.

Chairman Lucking discussed the issues related to the property prohibiting certain development and the protections given to it by the State Statutes. He said property owners are given rights for the reasonable use of their property and he agreed that the increased height in the garage would do little to worsen the existing drainage issues along the east property line.

Commissioner Conrad agreed and Commissioner Reeder did not have issues with the request.

Motion by Commissioner Reeder to recommend the city council approve the application of Richard Sundberg for variances to Greenwood Ordinance Code sections 1120.15 and 1176.04(3)(3) to permit the construction of an addition above an existing non-conforming garage and add a mudroom over the existing front stoop which would encroach into the minimum required nine feet into the required thirty foot front yard setback, encroach four feet into the required fifteen foot east side yard setback and exceed the maximum permitted impervious surface area by three percent.

**The motion is based on the following findings:** (a) the proposal maintains the spirit and intent of the zoning ordinance by maintaining the low density nature of the R-1A single-family district; (b) the proposal is consistent with the Comprehensive Plan in that it seeks to maintain the character of the city through the maintenance of the existing housing stock; (c) the proposed manner of use is reasonable since the proposal seeks to maintain the existing use of the property by updating a home while maintaining the character of the structure; (d) the plight of the homeowner is due the plight of the homeowner is due to the size of the lot and location of the existing garage; and (e) the proposal maintains the essential character of the neighborhood.

Commissioner Conrad seconded the motion. Motion carried 3-0.

**ORDINANCE NO. 229** - An Ordinance of the City Of Greenwood, Minnesota  
Amending Greenwood Ordinance Code Section 1176 Shoreland Management District  
Relating To Impervious Surfaces in Residential Districts

**Summary:** A recent variance request to exceed the permitted impervious surface area prompted the Planning Commission to review some of the provisions contained in Section 1176.07.05, for granting variances for such requests. At their February meeting they discussed draft ordinance language that addressed the requirement placing the burden of proof on current homeowners showing that impervious surface coverage in excess of 30% on their property existed prior to the adoption of the current Shoreland Management Ordinance, the use of the term "Illegal" and the inclusion of driveways necessary for access to the property as a penalty against a property, being deemed a landscape feature not eligible for consideration when exchanging impervious surface when an existing structure is being expanded or a new one is constructed.

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Chairman Lucking summarized the proposed ordinance and opened the public hearing. Hearing no comment, the hearing was closed.

The Commission didn't feel the proposed language met the intent of what they were proposing to do. Chairman Lucking wanted the ordinance to prohibit the ability to exchange landscape related impervious surface for structural related impervious surface. He said the proposed ordinance language removes the existing restriction and he would like to see the language restored. He said, though he commented he saw the "logic" behind the Council adding driveways in the category of landscaping related impervious surface area at the February meeting, he didn't mean to imply that it should be kept in that category and the exchange restriction removed.

It was suggested that the language be restored and that driveways be treated as a separate entity within the ordinance. It was agreed that the ordinance be amended and the public hearing be continued to the April meeting.

**ORDINANCE NO. 231** - An Ordinance of the City of Greenwood, Minnesota Amending Greenwood Ordinance Code Chapter 11 by the Addition of Regulation Permitting Suspension of the Planning Commission in the Absence of a Quorum

**Summary:** After observing past difficulties with the planning commission having a quorum to conduct meetings, and noting continued vacancies on the planning commission, it was suggested that the city council consider an ordinance change that will allow the city council to perform the duties of the planning commission should a quorum of the planning commission not be available. City Attorney Mark Kelly concurred with the suggestion and drafted the attached ordinances for the city council's consideration. Ordinance 230 makes changes to chapter 2 and may have a 1st reading at the 03-05-14 council meeting. Ordinance 231 makes changes to the zoning chapter 11, which means the planning commission must review the ordinance, hold a public hearing, and make a recommendation to the city council.

Chairman Lucking summarized the proposed ordinance and opened the public hearing. Hearing no comment, the hearing was closed.

The Commission was not supportive of any language that would in essence "abolish" the Planning Commission. They supported the concept of permitting the Council Liaison to be a full voting member in the absence of a quorum.

Motion by Commissioner Conrad to recommend the Council reject Ordinance 231; An Ordinance of the City of Greenwood, Minnesota Amending Greenwood Ordinance Code Chapter 11 by the Addition of Regulation Permitting Suspension of the Planning Commission in the Absence of a Quorum, as written. They recommend the Council consider language that maintains the status quo but bestows voting authority to the Council Liaison in the absence of an immediate quorum of the Commission. Reeder seconded the motion. Motion carried 3-0.

#### **4. OLD BUSINESS**

**DISCUSS** – Park District and potential Shuman Woods Park Improvements

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Commissioner Conrad said there was nothing new to report at this time and that she sent a list of questions to staff that need to be answered before the project could move forward.

**5. LIAISON REPORT**

Council Liaison Cook said the Council listened to a presentation from Mayor Kind and Tonka Bay City Councilmember Elli Ansari on “rebranding” the Southshore Center. He said the proposal would basically keep the center afloat and did little to make it profitable. Cook said other Council action included the approval of \$2,500 for bay wide treatment in St. Alban’s Bay, the establishment of the Old Log Theater for the official voting location for the upcoming primary and general election, the passage of the first readings of the alcohol and practical difficulty ordinance and discussed a potential amendment of the current grade ordinance. He said the Council would like the Commission to review any change to the grade ordinance before it returns to the Council.

The Commission discussed some of their initial concerns about changing the grade ordinance. Staff said he would work with Councilmember Cook and develop a first draft for the Commission’s review.

**6. ADJOURN**

Motion by Commissioner Conrad to adjourn the meeting. Chairman Lucking seconded the motion. The meeting was adjourned at 8:40 pm.

Respectively Submitted,  
Gus Karpas - Zoning Administrator