

**GREENWOOD PLANNING COMMISSION
WEDNESDAY, JULY 16, 2014
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 and Commissioners Lake Bechtell, Kristi Conrad (7:03), David Paeper, and Douglas Reeder (7:04)

Absent: Commissioner Rick Sundberg

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

2. MINUTES – June 18, 2014

Commissioner Paeper moved to approve the minutes of June 18, 2014 as presented. Commissioner Bechtell seconded the motion. Motion carried 3-0.

3. PUBLIC HEARINGS

Variance, Tom and Karen Hessian, 4990 Meadville Street – Request for a variance to encroach into the minimum required north side yard setback for the construction of a partial second story addition on a non-conforming single family home.

Section 1120:15 of the Zoning Ordinance requires a minimum north side yard setback of fifteen feet. The applicants propose a north side yard setback of five feet for the proposed addition. The proposal requires a variance of ten feet of the required north side yard setback.

Summary: The applicants are requesting to construct a partial second story addition over a non-conforming home which would encroach into the required north side yard setback.

The proposal would add a one hundred and sixty-one (161) square foot addition over an existing flat roof to provide additional living space. The proposal would maintain the existing encroachment into the north side yard setback and would not increase the existing non-conforming impervious surface area. The proposed addition complies with the remaining front, south side and lake yard setback requirements outlined in Section 1120.15, the height limitations outlined in Section 1120.20 and the maximum permitted grade alteration permitted in Section 1140.10.

Chairman Lucking opened the public hearing. Zoning Administrator Karpas read letters of support from Neal and Flo Cohen, 4970 Meadville Street and Ellen Nelson, 5025 Meadville Street supporting the request into the record.

Hearing no further comment, the public hearing was closed.

Commissioner Bechtell thought it was a nice plan that maintained the existing footprint and impervious surface area; he was in support of the request.

Commissioner Paeper had no objections to the request though he would caution the addition does create a larger structure face to the adjacent neighbor, but noted the impacted neighbor submitted a letter in support of the project.

Commissioners Conrad and Reeder had no issues with the request.

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Chairman Lucking agreed the request does not increase the footprint or impervious surface area and stated it was staying within the allowed structure volume. He was supportive of the request as presented.

Motion by Commissioner Paeper to recommend the city council approve the application for a variance of Greenwood Code Section 1120:15 to encroach ten feet into the required fifteen foot north side yard setback.

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 it seeks to continue the single family use of the property through the rehabilitation and expansion of the existing structure; (d) the plight of the homeowner is due to the lot dimensions, the placement of the existing home; and (e) the proposal maintains the essential character of the neighborhood.

Commissioner Bechtell seconded the motion. Motion carried 5-0.

Variances, Michael and Deborah Jonikas, 4930 Meadville Street – Request for variances to encroach into the minimum required east and west side yard setbacks, lake yard setback and to exceed the maximum permitted impervious surface for the construction of a new single family home.

Section 1120:15 of the Zoning Ordinance requires a minimum east side yard and west side yard setback of fifteen feet. The applicants propose an east side yard setback of six feet, five inches and a west side yard setback of seven feet, two inches for the proposed single family home. The proposal requires a variance of eight feet, seven inches of the required east side yard setback and seven feet, ten inches of the required west side yard setback.

Section 1120:15 of the Zoning Ordinance requires a minimum lake yard setback of fifty feet. The applicants propose a lake yard setback of thirty-eight feet, four inches for the proposed single family home. The proposal requires a variance of eleven feet, eight inches of the required lake yard setback.

Section 1176.04(3)(3) permits a maximum permitted impervious surface area of 30%. The applicants propose an impervious surface area of 39.9% and are seeking a variance to exceed the maximum permitted impervious surface area by 9.9%.

Summary: The applicants are requesting to construct a new single family home which would encroach into the minimum required east and west side yard setbacks, lake yard setback and exceed the maximum permitted impervious surface.

The proposal would remove an existing non-conforming single family home and replace it with a home that has a larger footprint, but either maintains or reduces the existing non-conformities.

The proposed home maintains the existing eight foot, seven inch encroachment into the required east side yard setback and seven foot, ten inch encroachment into the required west side yard setback. The proposal would reduce the lake yard encroachment from twenty-one feet to twelve feet and reduce the impervious surface area by 10.3%.

The proposed single family home complies with the lake setback; the encroachment is measured to the elevated lakeside deck.

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The propose home complies with the front yard setback requirement outlined in Section 1120.15, the height limitations outlined in Section 1120.20 and the maximum permitted grade alteration permitted in Section 1140.10.

Chairman Lucking opened the public hearing.

Architect Ron Brenner said the applicants worked on a plan that would reduce the existing non-conformities and build a house they felt fit the lot.

Bob Sevey, 4926 Meadville Street, distributed pictures showing the east property line which he shares with the subject property. He said his three main concerns are 1) drainage; 2) potential damage to the retaining wall during construction; and 3) the preservation of two large trees very close to the property line, but still on his property. He said drainage is his major concern and he explained the history of drainage issues between the two properties.

Sandy Sevey, 4926 Meadville Street, would like the Commission to address the issues related to drainage. She has spoken to the applicant about this issue and her concerns. Commissioner Bechtell noted it appears most of the drainage is directed towards the lake. Mr. Brenner said the surveyor has carved a swale along the east property line to carry the water lake ward and the applicants have removed about 1,000 square feet of impervious surface area from the lake yard. Zoning Administrator Karpas added that all plans submitted for a building permit must be signed off by the City Engineer. Even after construction, if there are drainage issues, it falls on the property owners to rectify the problem.

Keith Stuessi, 5000 Meadville, discussed consistency issue, stating the Planning Commission and City Council has tried to be fair, but there are no set rules for which they base their decisions. He feels future property owners should have an idea of how a smaller property can be developed or redeveloped rather than having to rely on the variance process. He said the process is subjective where some properties have been granted variances and others haven't. He reiterated there is no consistency and the city needs to address that issue.

Ted Hanna, 4960 Meadville Street, confirmed the specifics the project but had no further comment.

Hearing no further comment, the hearing was closed.

Commissioner Bechtell liked the look of the plan and had no issues with the proposal.

Commissioner Paeper was not in support of the request. He said the size of the house is discretionary and he finds there is no practical difficulty for a new structure to be in this degree of non-compliance on a lot where the existing structure is being removed.

Commissioner Reeder said his concern is about the lake yard setback and questioned why a variance is needed if the existing structure is being removed.

Commissioner Conrad agreed with the comments of Mr. Paeper. She feels the applicant has a buildable pad without the need for variances and the home should be designed to fit that pad.

Council Liaison Cook raised an issue with the impervious surface calculation noting a large percentage of the reduction was due to landscaping materials. He noted this cannot be exchanged for a larger footprint. The applicant must demonstrate that increase footprint area is covered in impervious surface area other than landscaping impervious surface area.

Mr. Brenner said the applicant saw the impervious surface area as new and not as an exchange for existing impervious surface area. Commissioner Conrad said if that was the case they should have complied with the 30% requirement.

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Chairman Lucking said he was concerned with the proposed 6.5' setback, even though it currently exists, it only exists on a corner of the house and the structure falls away from the lot line. The proposal would place the entire length of the home 6.5' from the line which he believes would have a negative impact on the property to the east.

Chairman Lucking explained to the applicant that it appears the Commission may forward a negative recommendation to the Council. If the Council were to agree, the applicant would not be able to submit a new application for one year. He said the applicant could continue on with that recommendation or continue his request and redesign the home and submit a variance application at a later date, withdraw his request or design a home that complies with the ordinance requirements.

Applicant Mike Jonikas asked for clarification. Chairman Lucking said the mood of the Commission appears to be that they are starting with a clean slate by removing the existing house and that there is a sufficient building pad to construct a home within the ordinance or at least closer to the ordinance requirements than what was presented by the applicant.

City Attorney Kelly clarified the Commission in the latter case has to keep in mind whether the plight of the homeowner is truly due to a circumstance of the property or an elective of the land owner through their design.

Mr. Brenner commented the footprint of the home would be very small if held to the setbacks and asked if there would be any leeway of the volume if the setbacks were maintained. City Attorney Kelly said the city does not design homes nor can it negotiate with applicants.

The applicants asked to continue their request to permit them to redesign the structure. Zoning Administrator Karpas said he would send a letter extended the deadline for the city to make a decision on the application by an additional 60 days as permitted by State Statute.

4. NEW BUSINESS

Discuss Ordinance 238 - An Ordinance of the City Of Greenwood, Minnesota Amending Greenwood Ordinance Greenwood Code Chapter 1100 Regarding Swimming Pools, Spas, And Hot Tubs

Summary: The City of Greenwood amended its ordinance to permit "permanent in-ground, at-grade swimming pools for the use and convenience of the resident and their guests" as a conditional use in the R-1A, R-1B and R-1C single family zoning districts. This use was inadvertently excluded from the R-2 single family district. A resident on Highview Place would like to submit an application for a swimming pool but cannot until the ordinance has been amended to permit the use as a conditional use.

Motion by Commissioner Conrad to recommend the Council adopts Ordinance No. 238; An Ordinance of the City Of Greenwood, Minnesota Amending Greenwood Ordinance Greenwood Code Chapter 1100 Regarding Swimming Pools, Spas, And Hot Tubs, as written. Commissioner Paeper seconded. Motion carried 5-0.

Discuss Ordinance 239 - An Ordinance of the City Of Greenwood, Minnesota Amending Greenwood Ordinance Code Section 1140.40 Regarding Signs In Residential Areas

Summary: The Old Theater has submitted an application for a conditional use permit for signage on the property. Previously, the city amended its ordinance to address a prohibition to the alteration of on-premises signs located within residential districts identifying or advertising an establishment, person, activity, goods, products or series located on the premises where the sign

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is installed. Further review of the ordinance indicates additional changes were needed and must be made before the application can be considered by the city.

Like the previous amendment, the proposed changes would make an exception for a business operating under an approved conditional use permit. This exception would apply only to the Old Log Theatre.

Motion by Commissioner Conrad to recommend the Council adopts Ordinance 239 - An Ordinance of the City of Greenwood, Minnesota Amending Greenwood Ordinance Code Section 1140.40 Regarding Signs In Residential Areas, as amended by staff per the City Attorney's direction. Commissioner Reeder seconded. Motion carried 5-0.

5. OLD BUSINESS

Discuss – Park District and potential Shuman Woods Park Improvements

Council Liaison Cook said the plan is to hold a public information meeting in August to gauge to public's interest in the parks and what types of amenities they feel could be added to make them more appealing.

6. LIAISON REPORT

Council Liaison Cook said the Council appointed Rick Sundberg to the Planning Commission, reappointed Hennepin County as the City Assessor, discussed a Special Events Ordinance (but has decided to hold off for now), has passed the first reading of an ordinance which would extend the term of the Mayor from two to four years, discuss the creation of a Lake Improvement District for properties that on Excelsior Bay to combat invasive weeds, held the first reading of the proposed grading ordinance and discussed hardcover mitigation methods.

7. ADJOURN

Motion by Commissioner Paeper to adjourn the meeting. Commissioner Bechtell seconded the motion. The meeting was adjourned at 8:35 pm.

Respectively Submitted,
Gus Karpas - Zoning Administrator