



AGENDA

Greenwood City Council Meeting

Wednesday, February 3, 2016
20225 Cottagewood Road, Deephaven, MN 55331

*The public is invited to speak when items come up on the agenda (comments are limited to 3 minutes).
The public may speak regarding other items during Matters from the Floor (see below). Agenda times are approximate.*

- 7:00pm 1. CALL TO ORDER | ROLL CALL | APPROVE MEETING AGENDA
- 7:00pm 2. CONSENT AGENDA
Council members may remove consent agenda items for discussion. Removed items will be put under Other Business.
 - A. Approve: 01-06-16 City Council Meeting Minutes
 - B. Approve: December Cash Summary Report
 - C. Approve: December Certificates of Deposit Report
 - D. Approve: January Verifieds, Check Register, Electronic Fund Transfers
 - E. Approve: February Payroll Register
 - F. Approve: Res 05-16 Adopting the Updated Lake Minnetonka Emergency Operations Plan
- 7:05pm 3. MATTERS FROM THE FLOOR
This is an opportunity for the public to address the council regarding matters not on the agenda. The council will not engage in discussion or take action on items presented at this time. However, the council may ask for clarification and may include items on a future agenda. Comments are limited to 3 minutes.
- 7:10pm 4. PRESENTATIONS, REPORTS, GUESTS, AND ANNOUNCEMENTS
 - A. Report: South Lake Minnetonka Police Quarterly Update
 - B. Announcement: Planning Commission Term Expirations
- 7:20pm 5. PUBLIC HEARINGS
 - A. None
- 7:20pm 6. PLANNING & ZONING ITEMS
 - A. Consider: Res 06-16 Conditional Use Permit Findings for Dining Patio, Excelsior Entertainment (Old Log Theatre), 5185 Meadville Street
 - B. Consider: Res 07-16 Conditional Use Permit Findings and Res 08-16 Variance Findings, Mark D. Williams Custom Homes on Behalf of Nora Rottier, PID 26-117-23-24-0030 (address unassigned, in the vicinity of 216XX Fairview)
 - C. Discuss: Drafts of Ordinances Regarding Stormwater Management
 - D. Discuss: Variance Practical Difficulty Standards and Time / Condition-Limited Variances and Conditional Use Permits
- 8:30pm 7. UNFINISHED BUSINESS
 - A. Consider: Drafts of Drainage Easement Agreements
- 8:40pm 8. NEW BUSINESS
 - A. None
- 8:40pm 9. OTHER BUSINESS
 - A. None
- 8:40pm 10. COUNCIL REPORTS
 - A. Cook: Planning Commission, Parks, Sewer Study, St. Alban's Bay Bridge, Traffic Committee
 - B. Fletcher: Lake Minnetonka Communications Commission, Fire
 - C. Kind: Police, Administration, Mayors' Meetings, Website
 - D. Quam: Roads & Sewers, Minnetonka Community Education, Traffic Committee
 - E. Roy: Lake Minnetonka Conservation District, St. Alban's Bay Lake Improvement District
- 9:00pm 11. ADJOURNMENT



Agenda Item: Consent Agenda

Summary: The consent agenda typically includes the most recent council minutes, cash summary report, verified report, electronic fund transfers, and check registers. The consent agenda also may include the 2nd reading of ordinances that were approved unanimously by the council at the 1st reading. Council members may remove consent agenda items for further discussion. Removed items will be placed under Other Business on the agenda.

Council Action: Required. Possible motion ...

1. I move the council approves the consent agenda items as presented.

MINUTES

Greenwood City Council Meeting

Wednesday, January 6, 2016

20225 Cottagewood Road, Deephaven, MN 55331



1. CALL TO ORDER | ROLL CALL | APPROVE AGENDA

Mayor Kind called the meeting to order at 7pm.

Members Present: Mayor Kind; Councilmembers Bill Cook, Tom Fletcher, Bob Quam, Rob Roy

Others Present: City Zoning Administrator Dale Cooney

Motion by Kind to approve the agenda. Second by Cook. Motion passed 5-0.

2. CONSENT AGENDA

A. Approve: 12-02-15 City Council Worksession Minutes

B. Approve: 12-02-15 City Council Meeting Minutes

C. Approve: 12-02-15 City Council Closed Session Minutes

D. Approve: November Cash Summary Report

E. Approve: November Certificates of Deposit Report

F. Approve: December Verifieds, Check Register, Electronic Fund Transfers

G. Approve: January Payroll Register

H. Approve: 2nd Reading Ord 250, Amending City Code Sections 300.07 & 600.7 Regarding Building Permits and Simple Subdivisions

Motion by Kind to approve the consent agenda. Second by Roy. Motion passed 5-0.

3. MATTERS FROM THE FLOOR

No one spoke during matters from the floor.

4. PRESENTATIONS, REPORTS, GUESTS, AND ANNOUNCEMENTS

A. Announcement: Greenwood Night at the Old Log Theatre, 7:30pm, Friday 01-22-16

No council action was taken.

5. PUBLIC HEARINGS

A. None

6. PLANNING & ZONING ITEMS

A. Consider: Res 14-15 Findings for Hardcover Variance Request and Res 15-15 Findings for Grading Conditional Use Permit Request, Mary McQuinn, 5025 Covington Street

Zoning Administrator Cooney presented the staff report. He said that the item was reviewed in December, and staff was directed to draft findings for approval for the January meeting.

Motion by Quam to approve the resolutions as presented approving the variance request to exceed the maximum allowable impervious surface limitation, and approving the grading conditional use permit request of Mary McQuinn, 5025 Covington Street. Second by Roy. Motion carried 3-2 with Councilmembers Cook and Fletcher voting against the motion.

B. Consider: Dining Patio Conditional Use Permit Request, Excelsior Entertainment (Old Log Theatre), 5185 Meadville Street

Mayor Kind introduced the agenda item. She noted that this was not a public hearing, but that public comments would be heard.

Zoning Administrator Cooney presented the staff report. He said that Excelsior Entertainment, LLC is proposing to add outdoor dining space to their existing restaurant operation at the Old Log Theater. Cooney said that the 670 square foot dining patio would increase the restaurant capacity by 32 dining seats. He said that the proposal also accounts for the 4 parking stalls to meet the City of Greenwood's parking requirements. Cooney said that the

proposal requires a conditional use permit under City Code Section 1123.30. He noted that the staff report addresses only the proposed expansion of the business, since the remainder of the business currently operates as a lawful use under Section 1123.25 of the City Zoning Ordinance.

Cooney said that the impacts from the outdoor dining patio were likely to include noise, odor and light. Cooney said that he did not anticipate increased traffic from either restaurant attendees or deliveries. He said that based upon the requirements listed in Section 1150.20 of the Zoning Code that staff recommends approval of the conditional use permit with the following conditions:

- A. Amplified music shall not be permitted in the patio area.
- B. Parking shall be expanded to meet the requirements of Section 1140.45 of the Zoning Code.
- C. Cooking shall not take place on the patio area.
- D. Light fixtures for the patio area shall be downcast fixtures, with a preference for full cutoff fixtures.
- E. The proposed fireplace shall burn only natural gas.
- F. The proposed lounge chair seating beyond the patio area shall not have access to food and drink service.
- G. Authorization of the Conditional Use Permit will expire after one year if the proposed patio expansion is not completed according to the submitted plans.

Cooney said that the Planning Commission recommended that the City Council deny the application on the grounds that the property does not currently have enough required parking to expand the business, and that the proposed additional required parking accessing the business via Covington Street would impact the health, safety, and welfare of the neighborhood.

Mayor Kind asked the City Council if they had questions for the Zoning Administrator.

Cook asked if the CUP could be tested for a couple of years before it became permanent. Cooney said that he would need to ask the City Attorney, but that he was not aware of the ability to sunset a CUP. Kind said that she believed that the city has the power to add conditions to an already approved CUP.

Kind asked Cooney about the parking. Cooney said that the applicant demonstrated that there was enough area for any overflow parking, but that they were not currently proposing to pave the parking area. Kind said that meant that they currently have enough parking on-site and a condition that they meet those requirements is unnecessary. Cooney agreed.

Cook said that full cutoff fixtures should be a requirement and not a preference.

Mayor Kind asked if the applicant would like to speak.

Marissa Frankenfield, applicant from the Old Log Theater: Said that the patio would have 8 tables, 32 seats, gas fireplaces, down lighting, and no outside music. She said that the patio would be open June 1 to September 15 and close at 10 p.m. each night.

Mayor Kind said that the Old Log Theater currently operated as a legal non-conformity and not under a conditional use permit. Kind summarized a memo she received from City Attorney Mark Kelly. Kind said that, by state statute, the city is not obligated to allow an expansion of the lawful non-conforming use, but that a change in the manner of use of the property may be allowed with a Conditional Use Permit. Kind said that if the proposal is in part an expansion, and in part change in the manner of use, the Council will have to address the competing elements of the application separately.

Mayor Kind opened the public comment period.

T. White, 5290 Meadville: Spoke against the proposal. He said that the Cast & Cru restaurant has additional spaces in the back and asked how that was allowed to happen without a Conditional Use Permit. He said that Covington was a substandard an illegal road. He said that there was a three-foot drop off along Covington and no shoulder where a truck could easily roll into the nearby house. He said that this was egregious. He said that Covington and Meadville are not set up for expansion. He says that the Cast & Cru restaurant has put stress on the neighborhood and that expansion is not what we need.

Ted Hanna, 4960 Meadville: Spoke against the proposal. Said that the biggest issue is that the residents do not want to live in a commercial district. He said he was not anti-business, but he wants to put the needs of the residential neighborhood first.

Kristi Conrad, 21780 Fairview: Spoke against the proposal. She said that she is both a neighbor of the Old Log Theater and a member of the Planning Commission. She said that Greenwood has a unique character. She said that she is concerned that the interests of the business owners are taking precedence over the residential community. She said that the city should enforce the comprehensive plan related to business impacts

encroaching into residential neighborhoods, and that the current business plan at the Old Log Theater does not work for the neighbors. Councilmember Quam asked about Conrad's comments at the Planning Commission that there should be able to be a solution between the neighbors and the Old Log Theater. Conrad said that the two sides have taken their respective corners and are not able to work through a solution.

Patti Loftus, 5165 Meadville: Spoke against the proposal. She said that she echoes Commissioner Conrad's sentiments. She said that Greenwood is residential. She also said that she was here representing her renters. She said that the patio will be open in the summer when people will want to sleep with their windows open. She said that the expansion will bring more noise, weddings and a broader clientele.

Bob Newman, 5230 Meadville: Spoke against the proposal. He said that there are those who live adjacent to the Old Log Theater, such as the public in attendance tonight, and those who don't live adjacent such as the members of the City Council, and the Zoning Coordinator. He said not to dismiss the statements of the people opposed to the project. He said that the rules changed when the restaurant became a separate entity. He said that the owners kept the windows closed to limit the noise. He said then the owners proposed a sign that was not residential in character and there has been a 180 degree turnaround. He said that the owners of the Old Log Theater claim they need to compete with patio dining options. He said that the people opposing the expansion are not obstructionist, but just protectionist. Newman claimed that, if approved, the worst fears will be realized. He asked about possible future phases of the restaurant. Councilmember Quam asked Newman if he was more concerned about noise or traffic? Newman said that he is concerned about both, but that traffic is a solvable issue and that noise is not because you cannot stop noise at the source.

Jan Gray, 5170 Meadville: Spoke against the proposal. She said "ditto" to all that has been said tonight. She said that 39 residents are here tonight, and that 45 neighbors representing 1300 years of tenure in the city have signed the petition against the expansion. She said that it is not just long-term residents averse to change, but that many newer residents have also signed the petition. She said that the city's comprehensive plan says to maintain the residential nature of the community and to avoid undue encroachments of the business into the neighborhood.

Matt Gallagher, 21775 Fairview: Spoke against the proposal. He said that he has seen a dramatic change in the neighborhood in 4½ years. He said that 32 people would make significant amount of noise and that the business is a pub. He said that the findings of fact in the city staff report are matters of opinion. He asked if there had been noise and real estate studies commissioned to verify the findings of fact. He said that there should be protections for worst-case scenarios. Councilmember Quam asked Gallagher if he did not like the traffic signs that were installed. Gallagher said that he did not like that there was a need for them.

Biff Rose, 5165 Meadville: Spoke against the proposal. Said that this constitutes an expansion, not a change in the manner of use, and that the Old Log Theater should be denied. Councilmember Quam said that an expansion can have conditions, and that it doesn't necessarily mean that it has to be denied.

John Ekelund, 5135 Meadville: Spoke against the proposal. He said that he looked into sound issues. He said he talked to sound engineers and that they said that it is difficult to know what sound will do because of the different surfaces that might impact the sound waves. He said that he did a sound test and that he could hear one voice. He said that 30 to 40 voices would be easy to hear from his backyard. He said that alcohol would lead to louder voices. Ekelund said that once the patio is approved, the noise impacts will be hard to undo. He said that noise impacts would need to be disclosed and handed out a real estate disclosure document.

Julie Ekelund, 5135 Meadville: Spoke against the proposal. She asked what is the evidence used to determine the approval or disapproval of the CUP. She said that the information she was presenting were simple facts. She said that 52 people have signed the petition. Ekelund displayed a map that showed where the residents who signed the petition lived. She said that 100% of the people that about the Old Log Theater have signed the petition. Ekelund passed out a summary of the letters given to the Planning Commission, a summary of the comments made at the Planning Commission, a document of the determining factors for a CUP, and a fact summary. Ekelund respectfully asked for denial of the CUP request.

Wade Fairchild, attorney for the applicants: Asked about the implementation of the conditions. He asked if the application was denied, would the conditions regarding the general operations of the theater need to be implemented.

Mayor Kind closed the public comments section of the meeting.

Kind said that she will attempt to answer the questions that came up during the public comments. Regarding substandard streets, Kind said that many of Greenwood's streets were substandard and that restrictions were not always practical. Regarding speeding, Kind said the new police chief will be proactive. Regarding the Planning Commission comments to look into City Zoning Code Section 1140.70, Kind said those regulations only applied to

the C-1 and C-2 zoning districts and are not applicable to the R-1C zoning district. Regarding the paving at the Old Log Theater, Kind said that the paving was placed over Class 5 gravel, which is considered hardcover and, therefore, the hardcover was not expanded. Regarding the applicant's attorney's question, Kind stated that any conditions placed upon a CUP would only apply if a patio were to be built.

Councilmember Fletcher said that he had done some investigation into noise impacts. He said that he was able to hear a single voice talking at a distance equal to the proposed patio to the nearest residential property. He said that he had also plugged some numbers into an online program to help try and understand the possible sound implications. He distributed printouts of his calculations and spoke about the results.

Motion by Cook to direct staff to draft findings for approval to include the following conditions: a) no amplified sound, b) additional parking would be served by an area not requiring access via Covington Street, c) requiring full cutoff light fixtures for the patio area, (d, e, f, and g conditions would be the same as staff's recommendations), h) outdoor patio and fire pit to close at 9 p.m., i) noise mitigation and measurable performance requirements at property line favorable to residents. Second by Quam.

Cook said that there are other things he would like to see addressed that are outside of the scope of the CUP such as load limits and appropriate traffic management and control on Covington Street. Quam stated his biggest concern was traffic on Covington Street. Cook said that he wants to look at ways to adjust traffic and make it difficult for Covington to be the route of choice.

Councilmember Roy asked how Covington Street would be policed. He said that he visited the Covington Street side of the Old Log Theater three times and saw 20, 12, and 16 cars parked in that area where each time there was plenty of parking available in the main parking lot. He said that the city needs to protect Covington.

Mayor Kind said that she would vote to approve the CUP request so that conditions can be added in an attempt to address the existing problems on Covington regarding parking and truck traffic. She said it might be difficult to address these issues otherwise. She said that she would also want to see conditions on where the buses can idle and to ensure protection of the wetland. Regarding the question of expansion, she said that the idea of expansion is not as clear-cut as it might seem since the number of dining seats have been significantly reduced from when the Stoltz family owned the theater.

Councilmember Fletcher said that there needs to be more thought and details put into any conditions. He said he would have difficulty supporting the CUP. Councilmember Fletcher read a memo outlining his findings which would be the basis for a motion for denial. Kind asked if Cook's proposed conditions would address Fletcher's concerns. Fletcher said that they do not get to the heart of the issue and that he did not feel that a happy medium could be reached.

Councilmember Quam said that he shared Fletcher's concerns about the ability of any conditions to effectively manage the concerns raised by the community. He said that he felt that the impacts would be negative and that the Covington Street traffic issue needs to be resolved. Quam said there were too many open questions remaining for him. He said that the Old Log Theater and the neighbors should work on getting along better.

Kind asked if she could attach additional conditions to Cook's approval motion. Cook said that he did not think the motion would pass regardless. Kind asked for a vote on Cook's motion.

Motion failed 1-4. Kind, Quam, Roy, and Fletcher voted against the motion.

Councilmember Fletcher made a motion that the City take an additional 60 days to review the Conditional Use Permit request of Excelsior Entertainment, LLC in order to have staff draft findings for denial based on the city council discussion. Second by Roy. Motion carried 3-2. Mayor Kind and Councilmember Cook voted against the motion.

Kind said that she voted "nay" because she thought there was an opportunity for a win-win with the appropriate conditions. Quam said that a win-win is still possible but that the business and the neighborhood need to work together.

C. 2nd Reading: Ord 245, Regarding Accessory Structures and Uses and Res 03-16, Summary of Ord 245 for Publication

Councilmember Fletcher proposed changes to the ordinance. He requested that, on page 8 of the ordinance, in Subd. 4, the ordinance should read "*The maximum total combined ~~square-foot~~ footprint per property for pergolas ...*" Also on page 8, Fletcher requested that Miscellaneous Secondary Accessory Structures have yard setbacks of 50 (front), 10 (side), 30 (exterior), 10 (rear), and 50 (lake) feet, otherwise all Miscellaneous Secondary Accessory Structures would require a variance.

Motion by Fletcher to approve Ordinance 245 as amended. Second by Cook. Motion carried 5-0.

D. 1st Reading: Ord 249 Security Deposits & Agreements

Councilmember Fletcher proposed changes to the ordinance. Fletcher proposed the following change for Subd. 2(D) on page 1, Subd. 7 on page 2, and Subd. 4 on page 3: *“For each month thereafter (or part thereof) during which the required landscaping remains uncompleted in a manner satisfactory to the city zoning administrator, the city may impose a like fine and ~~forfeit same~~ the same will be forfeited to the city.”*

Councilmember Fletcher proposed that in the Section 4, in the table on page 3 of the ordinance, to change the fine to be the greater of \$1000 per month or .4% of the building value of the permit application per month.

Motion by Roy to approve Ordinance 249 as amended. Second by Quam. Motion carried 5-0.

Motion by Roy to waive the second reading of Ordinance 249. Second by Quam. Motion carried 5-0.

E. 1st Reading: Ord 251 Amending Chapter 11 Regarding City Forester, Hazard Trees, Variance Standards for Impervious Surface Regulations and Mailing Lists

Councilmember Fletcher suggested that the ordinance be modified to change Section 1: *“Greenwood ordinance code section 1140 is amended to ~~move delete~~ 1140.85 Diseased Trees subdivisions 10 and 11 and to add new section 1140.79 and amend to read as follows:”* Kind said that since this was a new section, the subdivision numbers in will not have the strikethroughs shown in the draft ordinance.

Motion by Quam to approve Ordinance 251 as amended. Second by Roy. Motion carried 5-0.

Motion by Cook to waive the second reading of Ordinance 251. Second by Roy. Motion carried 5-0.

F. Discuss: Variance Practical Difficulty Standards

Motion by Quam to continue the discussion of variance practical difficulty standards to the February City Council meeting. Second by Cook. Motion carried 5-0.

7. UNFINISHED BUSINESS

A. None

8. NEW BUSINESS

A. Discuss: Drafts of Drainage & Utility Easement Agreements

Motion by Fletcher to direct Councilman Cook to work with the City Attorney to revise the proposed Drainage & Utility Easement Agreement documents. Second by Quam. Motion carried 5-0.

B. Consider: Res 04-16 Approving Sale of the Southshore Center to Shorewood

Motion by Cook to adopt resolution 04-16 approving the sale of the Southshore Center to Shorewood. Second by Quam. Motion carried 5-0.

C. Consider: Res 01-16 Setting City Dates for 2016

Motion by Roy to approve resolution 01-16 to set key dates for 2016. Second by Quam. Motion carried 5-0.

D. Consider: Res 02-16 2016 City Appointments & Assignments

Motion by Roy to approve resolution 02-16 to desingate appointments and assignments for 2016. Second by Quam. Motion carried 5-0.

9. OTHER BUSINESS

A. None

10. COUNCIL REPORTS

A. Cook: Planning Commission, Parks, Sewer Study, St. Alban's Bay Bridge

B. Fletcher: Lake Minnetonka Communications Commission, Fire

C. Kind: Police, Administration, Mayors' Meetings, Website

D. Quam: Roads & Sewers, Minnetonka Community Education

E. Roy: Lake Minnetonka Conservation District, St. Alban's Bay Lake Improvement District
No council action was taken.

11. ADJOURNMENT

Motion by Roy to adjourn the meeting at 9:35pm. Second by Cook. Motion passed 5-0.

This document is intended to meet statutory requirements for city council meeting minutes. A video recording was made of the meeting, which provides a verbatim account of what transpired. The video recording is available for viewing on LMCC TV channel 8 for 1 month, at www.lmcc-tv.org for 1 year, and on DVD at the city office (permanent archive).

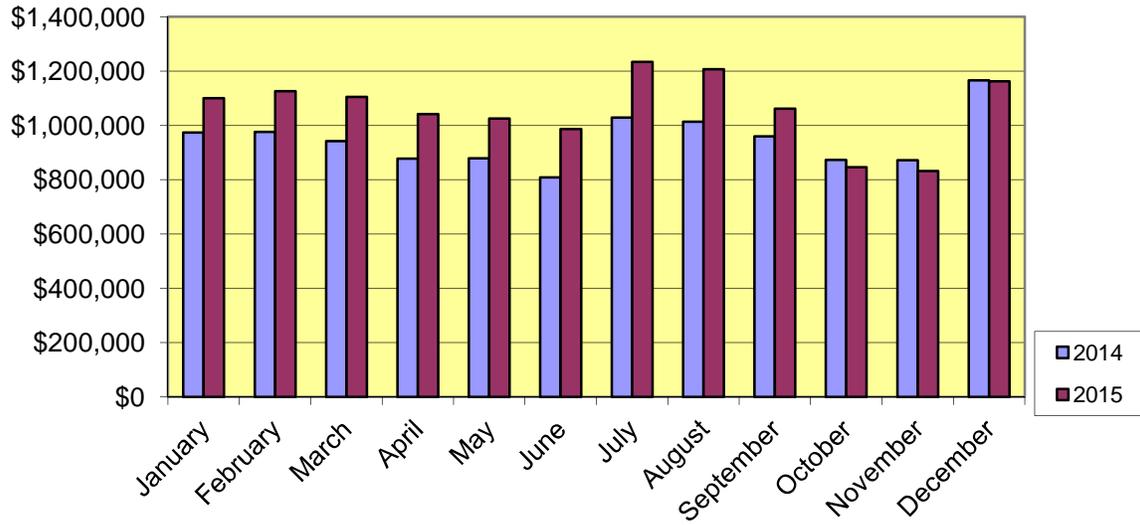
GREENWOOD CERTIFICATES OF DEPOSIT

Report Date: 12/31/15

Acct #	Bank	Date	Term	Maturity	Rate	Amount
101-10410	Beacon Bank	12/06/15	13 month	01/06/17	0.60%	\$ 61,479.27
101-10407	Beacon Bank	01/04/15	13 month	02/04/16	0.70%	\$ 61,883.00
101-10408	Beacon Bank	04/05/15	13 month	05/05/16	0.70%	\$ 61,450.84
101-10411	Beacon Bank	06/22/15	13 month	07/22/16	0.60%	\$ 80,540.92
101-10409	Beacon Bank	08/05/15	13 month	09/05/16	0.60%	\$ 61,452.53
101-10412	Beacon Bank	10/22/15	13 month	11/22/16	0.60%	\$ 80,608.33
					TOTAL	\$ 407,414.89

CITY COUNCIL POLICY: 09-03-14 Motion by Roy to authorize the administrative committee to open CDs with a maximum initial maturity of 25 months with a combined maximum total CD balance of \$500,000 at Beacon Bank or Bridgewater Bank. Second by Cook. Motion passed 5-0.

City of Greenwood Monthly Cash Summary



Month	2014	2015	Variance with Prior Month	Variance with Prior Year
January	\$973,698	\$1,100,038	-\$65,893	\$126,340
February	\$976,134	\$1,125,995	\$25,957	\$149,861
March	\$942,468	\$1,105,199	-\$20,796	\$162,731
April	\$878,040	\$1,041,296	-\$63,903	\$163,256
May	\$879,272	\$1,025,022	-\$16,274	\$145,750
June	\$808,884	\$986,189	-\$38,833	\$177,305
July	\$1,029,060	\$1,234,400	\$248,211	\$205,340
August	\$1,013,814	\$1,207,294	-\$27,106	\$193,480
September	\$960,083	\$1,061,011	-\$146,283	\$100,928
October	\$872,707	\$845,408	-\$215,603	-\$27,299
November	\$871,871	\$831,317	-\$14,091	-\$40,554
December	\$1,165,931	\$1,162,549	\$331,232	-\$3,382

Bridgewater Bank Money Market	\$174,501
Bridgewater Bank Checking	\$27,840
Beacon Bank CD	\$407,415
Beacon Bank Money Market	\$550,398
Beacon Bank Checking	\$2,395
<hr/>	
	\$1,162,549

ALLOCATION BY FUND

General Fund	\$547,118
Special Project Fund	\$0
General Fund Designated for Parks	\$22,685
Bridge Capital Project Fund	\$147,173
Road Improvement Fund	\$50,000
Stormwater Fund	(\$4,532)
Sewer Enterprise Fund	\$348,785
Marina Enterprise Fund	\$51,320
<hr/>	
	\$1,162,549

Check Issue Date(s): 01/01/2016 - 01/31/2016

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
01/16	01/04/2016	12202	601	HENNEPIN COUNTY TREASURER	602-20100	9,000.00
01/16	01/19/2016	12203	10	AMERICAN SOLUTIONS FOR BUSINES	101-20100	20.20
01/16	01/19/2016	12204	51	BOLTON & MENK, INC.	101-20100	1,908.00
01/16	01/19/2016	12205		Information Only Check	101-20100	.00 V
01/16	01/19/2016	12206	9	CITY OF DEEPHAVEN	101-20100	27,778.36
01/16	01/19/2016	12207	766	HENNEPIN COUNTY TREASURER	101-20100	40.09
01/16	01/19/2016	12208	784	HERITAGE SHADE TREE CONSULT	101-20100	225.00
01/16	01/19/2016	12209	861	HOFF, BARRY & KOZAR, P.A.	101-20100	2,210.31
01/16	01/19/2016	12210	3	KELLY LAW OFFICES	101-20100	3,293.75
01/16	01/19/2016	12211	841	LAW OFFICE GREGORY E KELLER PA	101-20100	598.00
01/16	01/19/2016	12212	145	XCEL ENERGY	101-20100	20.21
01/16	01/19/2016	12213	738	AVENET WEB SOLUTIONS	101-20100	375.00
01/16	01/19/2016	12214	762	CATALYST GRAPHICS INC	101-20100	88.00
01/16	01/19/2016	12215	586	CIVIC SYSTEMS, LLC	101-20100	1,060.00
01/16	01/19/2016	12216	761	DEBRA KIND	101-20100	231.80
01/16	01/19/2016	12217	822	ECM PUBLISHERS INC	101-20100	55.85
01/16	01/19/2016	12218	52	EXCELSIOR FIRE DISTRICT	101-20100	32,960.44
01/16	01/19/2016	12219	766	HENNEPIN COUNTY TREASURER	101-20100	534.40
01/16	01/19/2016	12220	105	METRO COUNCIL ENVIRO SERVICES	602-20100	3,203.41
01/16	01/19/2016	12221	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	16,074.58
01/16	01/19/2016	12222	145	XCEL ENERGY	101-20100	254.73
Totals:						<u>99,932.13</u>

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
AMERICAN SOLUTIONS FOR BUSINES					
10	AMERICAN SOLUTIONS FOR BU	INV02414511	W-2 & 1099 TAX FORMS	12/29/2015	20.20
Total AMERICAN SOLUTIONS FOR BUSINES					20.20
AVENET WEB SOLUTIONS					
738	AVENET WEB SOLUTIONS	37899	Annual web hosting, Mtce, Cust. Support	01/01/2016	375.00
Total AVENET WEB SOLUTIONS					375.00
BOLTON & MENK, INC.					
51	BOLTON & MENK, INC.	0186034	2015 DEVELOPMENT REVIEW	12/31/2015	918.00
		0186035	2015 MISC ENGINEERING	12/31/2015	782.00
		0186036	2015 SEWER IMPROVEMENTS	12/31/2015	177.00
		0186037	2015 STREET IMPROVEMENTS	12/31/2015	31.00
Total BOLTON & MENK, INC.					1,908.00
CATALYST GRAPHICS INC					
762	CATALYST GRAPHICS INC	13858	2016 JAN NEWSLETTER	01/01/2016	88.00
Total CATALYST GRAPHICS INC					88.00
CITY OF DEEPAVEN					
9	CITY OF DEEPAVEN	DEC 2015	RENT & EQUIPMENT	12/31/2015	487.45
			Postage		260.08
			COPIES		393.80
			SEWER		358.48
			SNOW PLOWING/SANDING/SALT		1,952.66
			SAND & SALT		1,360.00
			BIKE PATH		501.36
			WEED/TREE/MOWING		3,226.32
			PARK MAINTENANCE		89.62
			Clerk Services		2,747.20
			ZONING		1,205.98
			4TH QTR BLDG PERMITS		15,195.41
Total CITY OF DEEPAVEN					27,778.36
CIVIC SYSTEMS, LLC					
586	CIVIC SYSTEMS, LLC	CVC13722	Semi-Annual Support Fee	01/07/2016	1,060.00
Total CIVIC SYSTEMS, LLC					1,060.00
DEBRA KIND					
761	DEBRA KIND	011916	FEDEX - CODE BOOK PRINTING	01/19/2016	204.99
			GRWD NIGHT POSTERS		26.81
Total DEBRA KIND					231.80
ECM PUBLISHERS INC					
822	ECM PUBLISHERS INC	292251	LEGAL NOTICE	01/07/2016	55.85
Total ECM PUBLISHERS INC					55.85
EXCELSIOR FIRE DISTRICT					
52	EXCELSIOR FIRE DISTRICT	1ST Q 2016	1st Quarter - Buildings	01/01/2016	14,495.80
			1st Quarter - Operations		18,464.64

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
Total EXCELSIOR FIRE DISTRICT					32,960.44
HENNEPIN COUNTY TREASURER					
601	HENNEPIN COUNTY TREASURE	1000067675	Processing Special Assessments	12/03/2015	9,000.00
766	HENNEPIN COUNTY TREASURE	1215-1	POSTAGE	12/11/2015	40.09
		1215-2	AUTOMARK/M100 MNTNCE	01/01/2016	534.40
Total HENNEPIN COUNTY TREASURER					9,574.49
HERITAGE SHADE TREE CONSULT					
784	HERITAGE SHADE TREE CONSL	5515	URBAN FORESTRY CONSULTING	12/31/2015	225.00
Total HERITAGE SHADE TREE CONSULT					225.00
HOFF, BARRY & KOZAR, P.A.					
861	HOFF, BARRY & KOZAR, P.A.	12707	SO SHORE COMM CNTR	12/30/2015	2,210.31
Total HOFF, BARRY & KOZAR, P.A.					2,210.31
KELLY LAW OFFICES					
3	KELLY LAW OFFICES	6390	GENERAL LEGAL	12/31/2015	3,293.75
Total KELLY LAW OFFICES					3,293.75
LAW OFFICE GREGORY E KELLER PA					
841	LAW OFFICE GREGORY E KELL	122915	PROSECUTION BILL	12/29/2015	598.00
Total LAW OFFICE GREGORY E KELLER PA					598.00
METRO COUNCIL ENVIRO SERVICES					
105	METRO COUNCIL ENVIRO SERV	0001051040	Monthly wastewater Charge	01/05/2016	3,203.41
Total METRO COUNCIL ENVIRO SERVICES					3,203.41
SO LAKE MINNETONKA POLICE DEPT					
38	SO LAKE MINNETONKA POLICE	JAN 2016	OPERATING BUDGET EXPENSE	01/01/2016	16,074.58
Total SO LAKE MINNETONKA POLICE DEPT					16,074.58
XCEL ENERGY					
145	XCEL ENERGY	010416	Street Lights *	01/04/2016	254.73
		122815	Sleepy Hollow Road *	12/28/2015	8.34
			SIREN		3.52
			4925 MEADVILLE STREET *		8.35
Total XCEL ENERGY					274.94
Total Paid:		99,932.13			
Total Unpaid:		-			
Grand Total:		99,932.13			

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Description	GL Account	Amount
02/01/16	PC	02/01/16	2011601	COOK, WILLIAM B.	37		001-10100	184.70
02/01/16	PC	02/01/16	2011602	Fletcher, Thomas M	33		001-10100	84.70
02/01/16	PC	02/01/16	2011603	Kind, Debra J.	34		001-10100	277.05
02/01/16	PC	02/01/16	2011604	Quam, Robert	32		001-10100	184.70
02/01/16	PC	02/01/16	2011605	ROY, ROBERT J.	38		001-10100	184.70
Grand Totals:								<u>915.85</u>



South Lake Minnetonka Police Department

TO: Dana Young, City Administrator and Greenwood City Council
FROM: Chief Mike Meehan
DATE : January 27th, 2016
RE: Lake Minnetonka Emergency Operations Plan Update

Over the past several months, the Lake Minnetonka Emergency Management Group has been working on updating our emergency operations plan. We have completed the final revisions and it has been distributed to all jurisdictions involved in our emergency management group. The changes to the plan include three new annexes: Domestic and Exotic Animal Directory, Terrorism, and Volunteer/Donations, along with other updates such as name changes and several minor grammatical changes.

You will find a copy of the emergency management operations plan in digital format, along with a hard copy at the February 3rd, 2016, Greenwood City Council meeting.

Attached to this memo is a resolution asking for your acceptance of the Lake Minnetonka Emergency Management Operations Plan. We would ask the City Council to approve the resolution accepting the changes to the plan and authorizing the Mayor to sign the resolution accepting the changes.

If you have any questions, please feel free to contact me.



**City of Greenwood
Resolution 05-16**

**RESOLUTION ADOPTING THE UPDATED LAKE MINNETONKA
EMERGENCY OPERATIONS PLAN (LMEO)**

WHEREAS, the city of Greenwood is a member of the Lake Minnetonka Emergency Management Group; and

WHEREAS, the city of Greenwood holds a common ordinance describing the responsibilities of the Lake Minnetonka Emergency Management Group with the other jurisdictions; and

WHEREAS, the Emergency Mangers for each jurisdiction, who are appointed by their elected boards, are responsible for the Lake Minnetonka Emergency Operations Plan; and

WHEREAS, the Lake Minnetonka Emergency Operations Plan must be updated and reviewed to ensure compliance with the latest laws and requirements; and

WHEREAS, the Lake Minnetonka Emergency Operations Plan has been updated and approved by the Lake Minnetonka Emergency Managers.

NOW, THEREFORE, BE IT RESOLVED that the city council of the city of Greenwood approves the updates to the Lake Minnetonka Emergency Operations Plan as of September 15, 2015.

ADOPTED by the City Council of Greenwood, Minnesota this ___ day of _____, 2016.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana H. Young, City Clerk



Agenda Number: 4A

Agenda Date: 02-03-16

Prepared by Deb Kind

Agenda Item: Quarterly Police Update

Summary: Per the city council's request, a representative from the South Lake Minnetonka Police Department attends Greenwood council meetings on a quarterly basis to give the council a brief update regarding police activities in the city and South Lake area. This also is an opportunity for the council to have a discussion with a SLMPD representative regarding police issues and concerns. Quarterly police updates are presented at the February, May, August, and November council meetings.

Council Action: None required.



Agenda Number: 4B

Agenda Date: 02-03-16

Prepared by Deb Kind

Agenda Item: Planning Commission Term Expirations

Summary: The planning commission holds public hearings and makes recommendations to the city council regarding zoning issues including variances and conditional use permits. The planning commission is comprised of 5 voting members and 3 alternate members. This March, the terms of 4 planning commissioner seats expire:

A-1	Douglas Reeder
A-2	Lake Bechtell
A-3	Dave Paeper
Alt-1	Rick Sundberg

Terms are for 2 years, and the city does not limit the number of terms a planning commissioner may serve. Anyone who is interested in serving on the planning commission can stop by city hall to get an application or download the form from the city website at www.greenwoodmn.com. Planning commission applicants will be invited to the March council meeting where the council will have the opportunity to ask the applicants questions and make the final appointments.

Dave Paeper has notified the city that he will not be seeking reappointment. The interest of the other 3 current planning commissioners is unknown at this time.

Council Action: None required. Suggested motion ...

1. I move the city council directs the city zoning administrator to notify the planning commissioners whose terms expire to let them know that they need to notify the city zoning administrator in writing if they would like to be considered for reappointment to another 2-year term.
2. Do nothing or other motion ???



Agenda Number: **6A**

Agenda Date: **02-03-16**

Prepared by Deb Kind

Agenda Item: Consider Res 06-16 Conditional Use Permit Findings for Dining Patio, Excelsior Entertainment (Old Log Theatre), 5185 Meadville Street

Summary: At the 01-06-16 city council meeting the city council approved the following motion ...

Motion by Fletcher that the city take an additional 60 days to review the Conditional Use Permit request of Excelsior Entertainment, LLC in order to have staff draft findings for denial based on the city council discussion. Second by Roy. Motion carried 3-2. Mayor Kind and Councilmember Cook voted against the motion.

The draft of the findings for denial (resolution 06-16) is attached for the council's consideration.

Key Dates:

Application complete	November 19, 2015
Notice of Public Hearing published	December 3, 2015
Planning Commission Public Hearing	December 16, 2015
City Council Consideration	January 6, 2016
60 Day Deadline	January 18, 2016
City Council Considers Findings for Denial	February 3, 2016
120 Day Deadline	March 18, 2016

City Council Action: Action required by March 18, 2016. Suggested motions:

1. I move the city council approves resolution 06-16 findings for denial of the conditional use permit request for a dining patio by Excelsior Entertainment, 5185 Meadville Street as written.
2. I move the city council approves resolution 06-16 findings for denial of the conditional use permit request for a dining patio by Excelsior Entertainment, 5185 Meadville Street with the following revisions: _____.

Note: MN statute 15.99 requires a council decision within 60 days. The council may approve or modify a request based on verbal findings of fact and the applicant may proceed with their project. However, if the council denies the request, the council must state in writing the reasons for denial at the time that it denies the request. The council may extend the 60-day time limit by providing written notice to the applicant including the reason for the extension and its anticipated length (may not exceed 60 additional days unless approved by the applicant in writing).

RESOLUTION NO 06-16

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA
ACTING AS THE BOARD OF APPEALS & ADJUSTMENTS**

DENYING

In Re: Application of Excelsior Entertainment, LLC, dba as The Old Log Theatre, 5185 Meadville Street for a conditional use permit under Greenwood ordinance code section 1123.30 and 1150.20 to expand the restaurant operation to include an outdoor dining patio.

WHEREAS, Excelsior Entertainment, LLC, dba as The Old Log Theatre (Old Log), is the owner of property commonly known as 5185 Meadville Street, Greenwood, Minnesota 55331 (PID No. 26-117-23-31-0028) in conformance with Greenwood ordinance code sections 1123.30 and 1150.20 has made application for a conditional use permit (CUP); and

WHEREAS, the applicant proposes an at-grade, 670 square foot outdoor dining patio, with full liquor service, which would increase the restaurant capacity by 32 dining seats and add parking to the rear lot; and

WHEREAS, notice of a public hearing was published, notice given to neighboring property owners, and a public hearing was held before the planning commission to consider the application; and

WHEREAS, public comment was taken at the public hearing before the planning commission on December 16, 2015; and

WHEREAS, the city council of the city of Greenwood has received the staff report, the recommendation of the planning commission, and considered the application, the comments of the applicant, and the comments of the public.

NOW, THEREFORE, the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments does hereby make the following:

FINDINGS OF FACT

1. That the real property located at 5185 Meadville Street, Greenwood, Minnesota 55331 (PID No. 26-117-23-31-0028) is a commercial lot of record located within the R1C district.
2. The property owner proposes addition of an at-grade, 670 square foot outdoor dining patio with full liquor service which would increase the restaurant capacity by 32 dining seats, and also add parking spaces in the rear lot accessed by way of Covington Street, which requires that the property owner apply for a CUP under Section 1123.30.
3. Pursuant to Greenwood ordinance code Section 1150.20, Subd. 3, Conditional Use Permits (general regulations), the city council may impose such conditions and safeguards upon the property benefitted by a CUP as may be necessary to maintain compatibility with other properties in the neighborhood.
4. Greenwood ordinance Section 1150.20, Subd 1 states:

“Subd. 1. The planning commission shall make findings and recommendations to the city council. The council may then authorize a conditional use by resolution provided the evidence presented is such as to establish:

 - (a) That the proposed use will comply with the regulations specified in this ordinance for the district in which the proposed use is to be located.
 - (b) That the use is one of the conditional uses permitted for the district in which it is to be located.
 - (c) The use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city.
 - (d) The use will be harmonious with the objectives of the comp plan.
 - (e) The use will not be hazardous or disturbing to existing or future neighboring uses.
 - (f) The use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, sewer, schools, or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
 - (g) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

- (h) The use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
 - (i) The use will have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
 - (j) The use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
 - (k) The use will not depreciate surrounding property values.”
5. Pursuant to Greenwood ordinance code Section 1123.40, Subd. 1, the Old Log is a legal nonconforming use and has a legal right to continued operation in conformance with the Authorized Use defined by Resolution 31-13 and memorialized in Section 1123.25. As such it may apply for a Conditional Use Permit to authorize *change in the manner of use*, subject to imposition of reasonable related conditions, (specific regulations), in the interests of the public health, safety, and welfare.
 6. The applicant asserts that the proposed CUP request complies with CUP standards in Greenwood ordinance Section 1150.20, Subd 1.
 7. The planning commission discussed the CUP request and on a 5-0 vote recommended denial because the proposed CUP request does not comply with the CUP standards in Greenwood ordinance section 1150.20, subd 1, based on the following finding of fact:
 - (a) The property does not currently have enough required parking to expand the business, and that the proposed additional required parking accessing the business via Covington Street would impact the health, safety, and welfare of the neighborhood.
 8. The city council reviewed the application and made the following findings of fact:
 - (a) At its May 7, 2014 meeting the city council approved a Conditional Use Permit to for the Old Log to alter the kitchen and add two exterior concrete pads totaling 292 square feet to support free standing refrigeration units. This change was deemed a *change in the manner of use* of the Old Log's existing permitted use and not an *expansion* of the legal nonconforming use defined in Greenwood ordinance code Section 1123.25.
 - (b) Under MN ST §462.357, any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including *expansion*.
 - (c) The present proposed outdoor dining patio with full liquor service is an *expansion* of the Old Log's grandfathered legal nonconforming permitted use because it adds features that expand the Old Log's public services offerings beyond the established *Authorized Use* of the Old Log's original use.
 - (d) Section 1123.25, Subparagraph (h), *Authorized Use* states that “Box lunches may be consumed on the grounds.” Outdoor evening sit down dining with full service liquor would be a substantial change from picnics conducted occasionally during the afternoon and an expansion of the past use.
 - (e) The city council received public comment and a petition in opposition to the proposed outdoor dining patio by neighbors with residences in close proximity to the Old Log. The neighbors feel the use of the patio will conflict with their enjoyment of their properties during the late spring, summer, and early fall when they are most likely to be in their yards and have their windows open.
 - (f) Based on tests by Councilmember Fletcher, sound from the patio is expected to be at a low level at neighboring properties. Nevertheless, it will be audible and visually noticeable on a continuous basis during the restaurant's daytime and evening hours, with a 32-seat patio and adversely affecting the comfort and general welfare of the neighborhood.
 - (g) Inserting a potentially busy outdoor dining patio into the middle of a quiet residential neighborhood will negatively affect the comfort, and general welfare of the neighborhood. While the negative impacts may be subtle, they are expected to be continuing in nature and have a much greater impact on the ambiance and character of the neighborhood than an equivalent sized building addition to accommodate a like number of seats.
 - (h) It is unlikely that the city council would approve an expansion of the Old Log's liquor license to allow alcoholic beverages to be served or consumed on the proposed outdoor dining patio.
 - (i) The rear of the Old Log can only be accessed by Covington Street, which is narrow and curved with limited visibility. Residents have consistently raised safety concerns about the use of Covington for routine access to the Old Log for deliveries and employees. The minutes of the December 4, 2013 Greenwood city council work session include the following,

“Greg Frankenfield, owner Old Log Theatre, said he has directed his deliveries to be made to the front of the building and that his staff park in the front parking lot. Garbage pick-up will still be from the rear where the dumpsters are stored. He noted this should reduce the amount of traffic on Covington Street.”

- (j) The council received numerous comments expressing concern over the proposal to add parking in the rear lot, accessed via Covington Street needed in support of the proposed outdoor dining patio. They felt adding parking to the rear of the Old Log is expected to increase traffic on Covington Street and thereby unduly burden Covington Street and add traffic to this street of homes thereby contributing damage to the public welfare and adding to the endangerment of the public safety.
- 9. The applicant has *not* made an adequate demonstration of facts establishing the present CUP application involves a mere change to the manner of use of the Old Log's lawful permitted nonconforming legal use allowed under the zoning code, for which a CUP may issue.
- 10. The applicant has *not* made an adequate demonstration of facts showing plans for effective mitigation of the related adverse impacts to be expected on the existing use and enjoyment of the surrounding residential properties, were the CUP to be granted.
- 11. The requested CUP – for the outdoor patio dining with full liquor service, supported by additional parking in the rear – if lawfully permitted and granted, would be the addition of *new public accommodations* (seating, services, and public parking). It would add (a) traffic to Covington Street, (b) parking to the rear lot, (c) an outdoor noise source, and (c) outdoor activity all of which has not heretofore been conducted upon the Old Log's property and is not allowed under its Authorized Use set forth in the code.

CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the city council acting as the Board of Appeals & Adjustments makes the following Conclusions of Law:

- 1. The applicant has *not* made an adequate demonstration of facts establishing the present CUP application involves a mere change to the manner of use of the Old Log's lawful permitted nonconforming legal use allowed under the zoning code, for which a CUP may issue.
- 2. The requested CUP – for the outdoor patio dining with full liquor service, supported by additional parking in the rear – if lawfully permitted and granted, would, (based upon the above findings), be the addition of new public accommodations (seating, services, and public parking). As such the present CUP application is requested in support of an expansion of the lawful permitted nonconforming legal use defined by code and by statute the city is barred from granting the instant application.
- 3. In any event, the proposed outdoor patio dining (with full liquor service, supported by additional parking in the rear) would if otherwise permitted by law, adversely and significantly affect and impact the existing use and enjoyment of the surrounding residential properties. These negative impacts could not be effectively mitigated – the outdoor activity and noise cannot be wholly concealed or prevented, and inevitable added traffic on Covington Street will be beyond any mitigation measure. Therefore, as proposed, the grant of the requested CUP would not be in the interest of the public health safety and welfare and the city of Greenwood, Minnesota.

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Greenwood, Minnesota, acting as the Board of Appeals & Adjustments, that the city of Greenwood does hereby DENIES the application for a Conditional Use Permit for the proposed construction and operation of a 670 square foot outdoor dining patio and supporting additional parking.

PASSED this 3rd day of February, 2016 by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments for the city of Greenwood, Minnesota.

AYES NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana Young, City Clerk



Agenda Item: Consider Variance Request and Conditional Use Permit Request of Mark D. Williams Custom Homes on behalf of Nora Rottier for PID No. 26-117-23-24-0030 (address unassigned, in the vicinity of 216XX Fairview)

Summary: Mark Williams, of Mark D. Williams Custom Homes, is working with Nora Rottier to build a new house at 216XX Fairview. The property is a lot of record within the R-1A zoning district and meets the City of Greenwood's dimensional requirements for the district. In order to create an appropriate building pad and driveway area, the applicant is proposing to regrade the property to an extent that would trigger the requirements for a variance and a Conditional Use Permit.

Background: Staff contacted family of the existing property owners to get an understanding on the history of the lot. The Olson family has owned this property since the 1930's. At that time, the family also owned the property at 21690 Fairview. The vacant property was used by the family as an apple orchard, and then later, as a family garden. The family does not know of a house ever existing on the lot (other than a tree house). The family sold the lakeshore property at 21690 Fairview in 2009, and has only recently decided to sell this vacant parcel.

Variance: Section 1140.19(5) of the City Zoning Code requires that any elevation increase or decrease of more than 2 feet in any area greater than 300 square feet requires a variance. The applicant is proposing to alter the grade by up to 5 feet in two areas on the property in order to create two retaining walls. One retaining wall will cut into an existing berm in order to accommodate the northeast corner of the proposed house. The second retaining wall would infill an area near the driveway in order to accommodate a driveway turnaround area. City Engineer comments are attached to this report. Both the triangular shape of the lot and the fact that the buildable platted lot has never been graded to accommodate a house pad create a practical difficulty for the construction of the proposed house and driveway. Applicant seeks a variance to exceed the maximum permitted grade alteration by 3 feet.

Conditional Use Permit: The proposed grading changes also exceed the City's Conditional Use Permit threshold: Section 1140.19 (2) of the City Zoning Code requires the a conditional use permit for any the grading or site/lot topography alteration request involving more than 200 square feet of surface area, or involving more than 20 cubic yards of material. The applicant is proposing to impact 4,091 square feet of surface area and 27 cubic yards of volume.

Other Zoning Considerations:

Lot Dimensions: The property is an existing lot of record with an area of 23,135 square feet, and it exceeds the minimum lot requirements for the R-1A district listed in City Zoning Code Section 1120.10.

Trees: The existing lot is a wooded lot, and the applicant is proposing to remove a number of trees in order to accommodate construction on the property. The property currently has 157 total trees. Applicant is proposing to remove 29 non-noxious trees (18.4% of the total trees on the property) as part of construction. Section 1140.80 Subd. 5(c)(2) of the City Zoning Code allows a property owner/developer to remove up to 20% of the total trees on a property identified on a submitted tree preservation plan without a variance for the construction of a new home.

Setbacks, Height, Building Volume, and Impervious Surfaces: The proposed house complies with the setback requirements outlined in Section 1120.15, the height limitations outlined in Section 1120.20, the building volume limitations outlined in Section 1140.18, and the impervious surface limitations outlined in Section 1176.04. Survey and building plans are attached to this staff report.

Wetlands: The city's wetland map does not show any wetlands on the property. However, applicant will be required to confirm with the watershed district that no wetlands exist on the property.

Staff Recommendation: Staff recommends approval of the variance to exceed the maximum permitted grade alteration by 3 feet, and conditional use permit request to alter existing grading or site/lot topography involving more than 200 square feet of surface area, or involving more than 20 cubic yards of material of Mark D. Williams Custom Homes as shown in the submitted plans for PID No. 26-117-23-24-0030, as presented.

Staff findings, based on the variance practical difficulty standards found in city code section 1155.10:

1. The variance, if granted, will be in harmony and keeping with the spirit and intent of the zoning ordinance because: The purpose and intent of the ordinance is to allow the orderly development and redevelopment of property within the city and when the ordinance standards cannot be met, it outlines the procedures to vary from these standards. The applicant is seeking to vary from the grade change standards in order to regrade an existing triangular lot that has not been regraded to accommodate a housing pad before. The house would be otherwise zoning code compliant.
2. The variance, if granted, will be consistent with the comprehensive plan's guiding use for the subject property in the applicable zoning because of the character of the proposed use is consistent with the applicable zoning.
3. Though the property owner's proposed *manner of use* of the property is not permitted by the zoning ordinance without a variance, the proposed *manner of use* is reasonable because: the proposed regrading is moderate in scope and scale and is attempting to work within the constraints of the site.
4. The plight of the landowner-applicant is due to circumstances unique to the property and not created by the landowner because: the existing lot has never been graded to accommodate a home, and the triangular shape of the lot limits how and where a house can be sited on the property.
5. The variance, if granted, will not alter the essential character of the locality, because: the proposed house would remain consistent with the scope and scale of the surrounding properties.
6. The variance, if granted, will not:
 - a. Impair an adequate supply of light and air to adjacent property;
 - b. Unreasonably increase the congestion in the public street;
 - c. Increase the danger of fire or endanger the public safety; or
 - d. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this ordinance.

Staff findings based on the CUP review criteria found in city code section 1150.20:

- a) The proposed use will comply with the regulations specified for the R1-A zoning district.
- b) The use is one of the conditional uses permitted for the R1-A zoning district.
- c) The use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city.
- d) The proposed use will be harmonious with the objective(s) of the comp plan, particularly the objective of: allowing infill development where it complies with zoning regulations.
- e) The use will not be hazardous or disturbing to existing or future neighboring uses.
- f) The use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, sewer, schools, or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
- g) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- h) The use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
 - a. The use will have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
 - b. The use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
 - c. The use will not depreciate surrounding property values.
- i) The use will have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
- j) The use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
- k) The use will not depreciate surrounding property values.

And subject to the following conditions:

- A. The project must be completed according to the specifications and design requirements in the submitted plans.
- B. A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

Planning Commission Action: The Planning Commission reviewed the application at their January 20, 2016 meeting.

Councilmember Paeper made a motion to recommend approval the grading conditional use permit request based on the findings of staff of Mark D. Williams Custom Homes for PID No. 26-117-23-24-0030 (address unassigned, in the vicinity of 216XX Fairview) as presented. The motion was conditioned that a) the hardcover calculations shall be updated to include the driveway and steps, b) applicant shall make revisions to the area near retaining wall on the west side of the property to allow for the drainageway to function properly, and c) applicant shall verify with grading or drainage details that there will be no additional water existing on the west side of the property in the vicinity of the 952' contour on the southwest corner of the house. Motion seconded by Conrad. Motion carried 5-0.

Councilmember Paeper made a motion to recommend approval the variance request based on the findings of staff of Mark D. Williams Custom Homes to exceed the maximum permitted grade alteration by 3 feet for PID No. 26-117-23-24-0030 (address unassigned, in the vicinity of 216XX Fairview) as presented. The motion was conditioned that a) the hardcover calculations shall be updated to include the driveway and steps, b) applicant shall make revisions to the area near retaining wall on the west side of the property to allow the drainageway to function properly, and c) applicant shall verify via grading or drainage details that there will be no additional water existing on the west side of the property in the vicinity of the 952' contour on the southwest corner of the house. Motion seconded by Conrad. Motion carried 5-0.

Key Dates:

Application complete	December 4, 2015
Notice of Public Hearing published	December 16, 2015
Planning Commission Public Hearing	January 20, 2016
60-Day Deadline	February 2, 2016
City Council Consideration	February 3, 2016 (beyond original 60 day limit)
120-Day Deadline (additional time requested)	April 2, 2016

City Council Action: Action required by April 2, 2016. Suggested motions:

1. I move the city council approves resolution 07-16 findings for approval of the grading conditional use permit request of Mark D. Williams Custom Homes on behalf of Nora Rottier for PID No. 26-117-23-24-0030 (address unassigned, in the vicinity of 216XX Fairview) as written / with the following revisions: _____.
2. I move the city council approves resolution 08-16 findings for approval of the variance to exceed the maximum permitted grade request of Mark D. Williams Custom Homes on behalf of Nora Rottier for PID No. 26-117-23-24-0030 (address unassigned, in the vicinity of 216XX Fairview) as written / with the following revisions: _____.
3. Other motion ???

Note: MN statue 15.99 requires a council decision within 60 days. The council may approve or modify a request based on verbal findings of fact and the applicant may proceed with their project. However, if the council denies the request, the council must state in writing the reasons for denial at the time that it denies the request. The council may extend the 60-day time limit by providing written notice to the applicant including the reason for the extension and its anticipated length (may not exceed 60 additional days unless approved by the applicant in writing).



Variance Application

Person completing form: Property Owner Builder / Architect
 If you prefer to complete this form electronically, it is available at www.greenwoodmn.com.

Date application submitted	12/2/15
Date application complete (office use only)	
Property address	216xx Fairview St.
Property identification number (PID)	261723240030
Property owner's current mailing address	7808 Creekridge circle #101, Blaine MN 55437
Names of all property owners	Nora Poller
Cell phone and email of property owner(s)	612-551-0321 Nora@Juno-inv.com
Name of builder / architect (if any)	Mark D. Williams Custom Homes Inc.
Company name of builder / architect	Mark Williams
Cell phone and email of builder / architect	612-251-9750 Mark@mdwilliams.com
Company address	832 2nd St. Excelsior MN 55331
Present use of property	Vacant land
Property acreage	23,135 sqft or .53 acres
Existing variances or conditional use permits	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes - please attach a copy
Request is for	<input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Addition <input type="checkbox"/> Remodel <input type="checkbox"/> Replace
The variance(s) are being requested to (e.g. build a garden shed)	- Grading Building pad - Change of grade

Requested variance(s):

	Required*	Proposed	Difference
<input type="checkbox"/> Side Yard (feet)			
<input type="checkbox"/> Front Yard (feet)			
<input type="checkbox"/> Rear Yard (feet)			
<input type="checkbox"/> Lake Setback (feet)			
<input type="checkbox"/> Building Height (feet)			
<input type="checkbox"/> Structure Height (feet)			
<input type="checkbox"/> Wetland Setback (feet)			
<input type="checkbox"/> Bluff Setback (feet)			
<input type="checkbox"/> Maximum Above Grade Building Volume (cubic feet)			
<input type="checkbox"/> Hardcover (percentage)			
<input type="checkbox"/> Other:			

* See page 2 of the CUP & Variance Checklist document for the requirements for various zoning districts.

Making your case for the grant of a variance

Per state law and city code section 1155 (view at city hall or at www.greenwoodmn.com) any persons may request variances from the literal provisions of the zoning ordinance, shoreland management district ordinance, wetland ordinance, and other applicable zoning regulations in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration. A variance shall only be permitted when it is in harmony with the purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. Economic considerations alone shall not constitute practical difficulties.

"Practical difficulties," as used in connection with the granting of a variance, means:

- (a) that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
- (b) the plight of the landowner is due to circumstances unique to the property and not created by the landowner;
- (c) and the variance, if granted, will not alter the essential character of the locality.

Establishing a "practical difficulty"

Please respond to each of the following questions. If you are unable to establish a "practical difficulty," please consider alternatives to your construction plans that may remove the need for a variance.

<p>Is the variance in harmony with the purposes and intent of the ordinance?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain:</p>
<p>Is the variance consistent with the comprehensive plan?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain:</p>
<p>Does the proposal put the property to use in a reasonable manner?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: To build a home that fits into the area and within the (99%) of the guidelines</p>
<p>Are there unique circumstances to the property not created by the landowner?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: This lot was recently created and has never had a home on it.</p>
<p>Will the variance alter the essential character of the locality?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: The home will be privately tucked away in the trees and style wise fit into the community</p>
<p>Will the variance impair an adequate supply of light and air to adjacent property?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: There are no adjacent properties attached with structures directly to this home site</p>
<p>Will the variance unreasonably increase the congestion in the public street?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: It's a single family home.</p>
<p>Will the variance increase the danger of fire or endanger the public safety?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:</p>
<p>Will the variance unreasonably diminish or impair established property values within the neighborhood?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: The opposite actually. The new home will <u>increase</u> the value of the neighborhood</p>

Adjacent property owners' acknowledgement: It is not required by ordinance, but applicants are highly encouraged to review plans with adjacent property owners and secure signatures in this section. Attach another page if there are more than 2 adjacent neighbors.

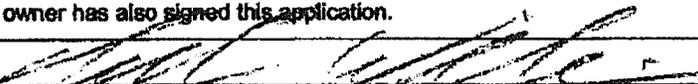
The undersigned acknowledges that we have reviewed the plans for the proposed improvements or proposed use of the property listed on page 1 of this document. We understand that by signing this acknowledgement, that we NOT being asked to declare approval or disapproval of the proposal, but merely are confirming for the city council that we aware of the plans and that we understand that the proposed project requires city council approval.

Neighbor #1 Address:	
Signature:	Date:
Print Name:	

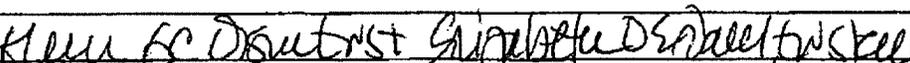
Neighbor #2 Address:	
Signature:	Date:
Print Name:	

The undersigned contacted the following regulatory bodies and will seek approvals if required:
 (1) Lake Minnetonka Conservation District 952.745.0789 (2) Minnehaha Creek Watershed District 952.471.0590

Applicant's acknowledgement and signature(s): The undersigned hereby submits this application for the described action by the city and is responsible for complying with all city requirements with regard to this request. This application should be processed in my name, and I am the party whom the city should contact about this application. The applicant certifies that the information supplied is true and correct to the best of their knowledge. The undersigned also acknowledges that before this request can be considered and / or approved, all required information and fees must be paid to the city, and if additional fees are required to cover costs incurred by the city, the city has the right to require additional payment from one or more of the undersigned, who shall be jointly liable for such fees. An incomplete application will delay processing and may necessitate rescheduling the review timeframe. The application timeline commences once an application is considered complete when all required information and fees are submitted to the city. The applicant recognizes that they are solely responsible for submitting a complete application and that upon failure to do so, recognizes city staff has no alternative but to reject the application until it is complete or to recommend denial regardless of its potential merit. A determination of completeness of the application shall be made within 10 business days of the application submittal. A written notice of application deficiencies shall be mailed to the applicant within 10 business days of application. I am the authorized person to make this application and the fee owner has also signed this application.

Signature: 	Date: 11/2/15
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Property owner's acknowledgement and signature: The undersigned is the fee title owner of the page 1 described property. I acknowledge and agree to this application and further authorize reasonable entry onto the property by city staff, consultants, agents, planning commission members, and city council members for purposes of investigation and verification of this request.

Signature: 	Date: 12/8/15
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Note: If the property owner is different than the applicant, signatures from the both the applicant and the property owner are required.

Variance Fee (nonrefundable)	\$400
Shoreland Management Review Fee (nonrefundable)	\$200
Total Amount Due (make check payable to the City of Greenwood)	\$600

For Office Use Only	Fee Paid: <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Check #:	Amount \$ 600.00
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Conditional Use Permit Application

Person completing form: Property Owner Builder / Architect
 If you prefer to complete this form electronically, it is available at www.greenwoodmn.com.

Date application submitted	12/2/15
Date application complete (office use only)	
Property address	216XX Fairview St.
Property identification number (PID)	261723240030
Property owner's current mailing address	7808 Creek Ridge Circle #101, Farmington MN 55439
Names of all property owners	Nora Rattler
Cell phone and email of property owner(s)	612-554-0871 Nora@Juno-inv.com
Name of builder / architect (if any)	Mark Williams
Company name of builder / architect	Mark D. Williams Custom Homes Inc
Cell phone and email of builder / architect	612-251-9750 Mark@MWilliamshomes.com
Company address	332 7th St, Excelsior MN 55331
Present use of property	Vacant Land
Property acreage	23,135 sqft or .53 acres
Existing variances or conditional use permits	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes - please attach a copy
Request is for	<input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Addition <input type="checkbox"/> Remodel <input type="checkbox"/> Replace <input type="checkbox"/> Other:
The CUP is being requested to (e.g. install a swimming pool)	Creating a building pad on a lot that has never had any home on it

Making your case for the grant of a conditional use permit: The planning commission shall make findings and recommendations to the city council. The council may then authorize a conditional use by resolution provided the evidence presented complies with the city conditional use permits ordinance section 1160 (view at city hall or at www.greenwoodmn.com). The council may impose such conditions and safeguards upon the premises benefited by a conditional use permit as may be necessary to maintain compatibility with other properties in the neighborhood. Examples of conditions include, but are not limited to: controlling size and location of use, regulating ingress and egress, controlling traffic flow, regulating off-street parking and loading areas, location of utilities, berming, fencing, screening, landscaping, restricting hours of operation, controlling noise, controlling lighting, controlling odors, and compatibility of appearance. Violation of such conditions and safeguards, when made part of the terms under which the conditional use permit is granted, shall be deemed a violation of this ordinance and punishable under section 1180 et seq.

Please answer each of the below questions:

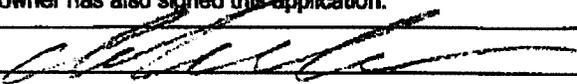
Will the proposed use comply with the regulations specified in the ordinance for the district in which the proposed use is to be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain:
Is the proposed use one of the conditional uses permitted for the district in which it is to be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain:
Will the proposed use be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:
Will the proposed use be harmonious with the objectives of the comp plan?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain:
Will the proposed use be hazardous or disturbing to existing or future neighboring uses?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:

Will the proposed use be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, sewer, schools?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain:
Will the proposed use create excessive additional requirements at public cost for public facilities and services or be detrimental to the economic welfare of the community?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:
Will the proposed use involve activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:
Will the proposed use have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: Parking on one side of the street during construction to minimize congestion
Will the proposed use result in the destruction, loss or damage of a natural, scenic or historic feature of major importance?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:
Will the proposed use unreasonably depreciate surrounding property values?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: It will increase value

The applicant(s) contacted the following regulatory bodies and will seek approvals if required:

- (1) Lake Minnetonka Conservation District 952.745.0789 (2) Minnehaha Creek Watershed District 952.471.0590

Applicant's acknowledgement and signature(s): The undersigned hereby submits this application for the described action by the city and is responsible for complying with all city requirements with regard to this request. This application should be processed in my name, and I am the party whom the city should contact about this application. The applicant certifies that the information supplied is true and correct to the best of their knowledge. The undersigned also acknowledges that before this request can be considered and / or approved, all required information and fees must be paid to the city, and if additional fees are required to cover costs incurred by the city, the city has the right to require additional payment from one or more of the undersigned, who shall be jointly liable for such fees. An incomplete application will delay processing and may necessitate rescheduling the review timeframe. The application timeline commences once an application is considered complete when all required information and fees are submitted to the city. The applicant recognizes that they are solely responsible for submitting a complete application and that upon failure to do so, recognizes city staff has no alternative but to reject the application until it is complete or to recommend denial regardless of its potential merit. A determination of completeness of the application shall be made within 10 business days of the application submittal. A written notice of application deficiencies shall be mailed to the applicant within 10 business days of application. I am the authorized person to make this application and the fee owner has also signed this application.

Signature:  Date: 11/2/15

Property owner's acknowledgement and signature: The undersigned is the fee title owner of the page 1 described property. I acknowledge and agree to this application and further authorize reasonable entry onto the property by city staff, consultants, agents, planning commission members, and city council members for purposes of investigation and verification of this request.

Signature:  Date: 12/3/15

Note: If the property owner is different than the applicant, signatures from both the applicant and the property owner are required.

Variance Fee (nonrefundable)	\$400
Shoreland Management Review Fee (nonrefundable)	\$200
Total Amount Due (make check payable to the City of Greenwood)	\$600

For Office Use Only Fee Paid: Cash Check # Amount \$ 400.00

Permit #	FORM #5 Return this document to City Hall
Receipt #	



Building Volume Compliance Form

If you prefer to complete this form electronically, it is available at www.greenwoodmn.com.

Property Owner(s)	Nora Rottier
Property Address	216 xx Fairview St.

Person completing this form: Property Owner Builder / Architect

Per code section 1140.18 (view at www.greenwoodmn.com or at city hall), no lot in the residential zones of the city may be host to principal and accessory buildings and structures whose above grade building volume (expressed in cubic feet) is greater than the following maximums:

- (1) Lots of 7500 square feet or less in area may be host to buildings, structures, and accessory structures whose above grade building volume is not greater than a volume equal to 6 times the lot area.
- (2) Lots between 7500 square feet and 15,000 square feet in area may be host to buildings, structures, and accessory structures whose above grade building volume is not greater than a volume equal to 42,000 cubic feet plus a volume of cubic feet equal to a figure 4 times (lot area minus 7500 square feet).
- (3) Lots greater than 15,000 square feet in area may be host to buildings, structures, and accessory structures whose above grade building volume is not greater than a volume equal to 75,000 cubic feet plus a volume of cubic feet equal to a figure 2 times (lot area minus 15,000 square feet).

- **Exclusions.** All space above unroofed structures such as decks, patios, and wholly in-ground, at grade, pools with no exposed sides shall be excluded from the calculation of building volume.
- **Inclusions.** Enclosed or unenclosed porches or porticos shall be included in the total volume of the building.
- **Building Perimeter Grade** means the average of all elevation measurements taken off the finished grade or surface of the ground, sidewalk or paving around the perimeter of a building or structure at (a) points 5 feet distant and perpendicular to the building perimeter commencing at the most northerly corner thereof and thence clockwise at similarly situated points every 10 feet around the building perimeter, (b) the point of highest grade within 5 feet of the building perimeter and (c) the point of lowest grade within 5 feet of the building perimeter.

Exemption for small projects: The proposed improvements involve an area equal to 20% or less of the first floor of the principal structure, therefore I request the city zoning administrator waive the requirement to submit the additional survey requirements and the "above grade building volume" calculation.

The "above grade building volume" calculation for the property is:	90,220.95
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Sworn Statement: The undersigned hereby submits this "sworn statement" that the "above grade building volume" calculation is prepared in conformance with the provisions of code section 1140.18. In the event of inaccuracies, misstatements, incomplete information, or errors in the application and/or supporting materials, the city may issue stop work orders, or delay action on applications pending receipt of corrected or additional information. The undersigned assumes all risk of loss or expenses caused by any such deficiency, delay, or structural changes required to cause the structure to come into code compliance.

Signature		Date: 12/2/15
Print Name	Mark Williams	

As-Built Construction Statement (to be signed prior to a certificate of occupancy being issued): The undersigned hereby submits this "sworn statement" and the attached as-built plans verifying the "above grade building volume" of the structure conforms to code section 1140.18.

Signature		Date:
Print Name		

Form Updated 10-27-14

Permit #	FORM #8 Return this document to City Hall
Receipt #	



Grading Permit Application

This form becomes a "permit" when city staff issues a permit number. If you prefer to complete this form electronically, it is available at www.greenwoodmn.com.

Property Owner(s)	Nora Rottier
Property Address	216 xx Fairview st.

Person completing this form: Grading Contractor Property Owner Builder / Architect
 This sheet is accompanied by a **Building Permit Application (Form #1)**: Yes (skip to section 2) No (complete section 1)

SECTION 1

Date Application Submitted	12/2/15
Property Owner's Mailing Address	7808 Creekside Circle #101, Bloomington MN 55439
Property Owner's Phone Number	612-554-0871
Property Owner's Email	Nora@Juno-inv.com
Contractor or Builder / Architect Name	Mark D. Williams Custom Homes Inc
Contractor or Builder / Architect Address	332 2nd St. Excelsior, MN 55331
Contractor or Builder / Architect Phone	612-251-9750
Contractor or Builder / Architect Email	Mark@mdwilliamshomes.com

SECTION 2

Total surface area to be moved, disturbed, cut, or filled (square feet)	3,184 sq ft
Total volume of soil or earth to be moved, disturbed, cut, or filled (cubic feet)	Cut = 358, Fill = 370 Bring in = 11.9
Estimated start date	1/15/15

Work is required for: Remodeling of an existing structure Construction of a new structure Other:

Work is due to circumstances not related to the land or existing drainage issues, but due to an election by the property owner to make an addition to a principal or accessory structure: Yes No

The average elevation of the land will increase / decrease by: Less than 1ft
 1ft or more in a 100+ sq ft area (city engineer approval required) 2ft or more in a 300+ sq ft area (variance required)

Per code section 1140.19 subd 3, the following items must be submitted with this application:

- (1) Survey (2) Stormwater Management Plan prepared by a civil engineer

The undersigned hereby submits this application (including a survey and Stormwater Management Plan) for a grading permit and certifies the information provided on this permit application is true and correct to the best of my knowledge. The property owner(s) listed above are the sole fee title owner(s) of the described property; information provided on this application and submitted documents is true, complete and accurate; if the application is approved, the work will be in accordance with the application and city code section 1140.19 (view at www.greenwoodmn.com or at city hall).

Signature		Date: 12/2/15
Print Name	Mark Williams	

This section completed if grading is NOT in conjunction with a building permit:

For Office Use Only	Fee Amount \$	Fee Paid: <input type="checkbox"/> Cash <input type="checkbox"/> Check #	Date Pmt Received:
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Form Updated 10-27-14



Permit #	FORM #13 Return this document to City Hall
Receipt #	

Tree Permit Application

This form becomes a "permit" when city staff issues a permit number. If you prefer to complete this form electronically, it is available at www.greenwoodmn.com.

Property Owner(s)	Nora Rottler
Property Address	216xx Fairview st

This sheet is accompanied by a **Building Permit Application (Form #1)**: Yes No

Person completing this form: Tree Contractor* Property Owner Builder / Architect

* Note: Tree contractors must have a Greenwood Tree Contractor License. The application is available at www.greenwoodmn.com or at city hall.

Date application submitted	12/2/15
Name of tree contractor (if any)	Shorewood tree service
Company name of tree contractor	Randy or Matt
Tree contractor address	14015 County Rd 122
Tree contractor license number	MN 4548A - Arbor license
Cell phone and email of tree contractor	952-292-1734

The undersigned hereby make this application for (check all that apply):

- Conditional Use Permit to Remove Trees in Shore Impact Zone or Bluff Impact Zone (significant* trees within 25 feet of shore or within 20 feet of the top of a bluff). This permit must be reviewed by the planning commission and approved by the city council. The process can take up to 60 days. **Fee: \$100**
- Construction-Related Tree Removal Permit. Home addition: remove up to 10% of trees. New construction: remove up to 20% of trees. Tree preservation plan required for both. **Fee: \$250**
- Permit to Exceed the Permitted Tree Harvest to remove more than 2 significant* trees per year, or maximum of 5 significant* trees over a 5-year period. **Fee: \$100**

* Significant trees are trees with the following minimum circumferences (inches): hardwoods 31, softwoods 44, conifers 38

Attached is (check all that apply):

- Tree Preservation Plan. Required for construction-related tree removal permits. Must include the specifications outlined in section 1140.80, subd. 6 (view at city hall or at www.greenwoodmn.com).
- Tree Replacement Plan. Required for a variance application to exceed 20% tree removal for new construction or subdivision, or exceed 10% tree removal for a home addition. Tree replacement plans must comply with the table listed in section 1140.80, subd. 8 (view at city hall or at www.greenwoodmn.com).

The undersigned hereby acknowledge the following: The property owner(s) listed above are the sole fee title owner(s) of the described property; information provided on this application and submitted documents is true, complete and accurate; if the application is approved, the work will be in accordance with the application and tree preservation ordinance (code section 1140.80, view at www.greenwoodmn.com or at city hall); the undersigned authorize photographs of the property and reasonable entry onto the property by city staff, consultants, agents, and city council members; the undersigned further agree to hold the city of Greenwood harmless from all liabilities that may arise directly or indirectly from the work performed.

Signature of property owner (required)		Date: 12/2/15
Signature of tree contractor or builder / architect (if any)		Date: 12/2/15

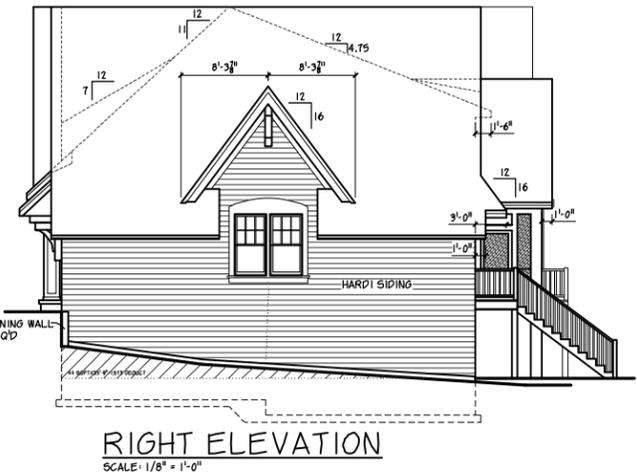
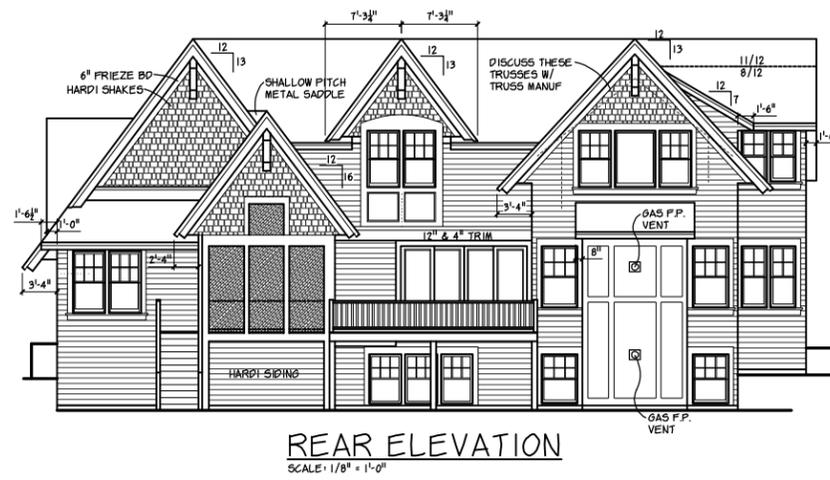
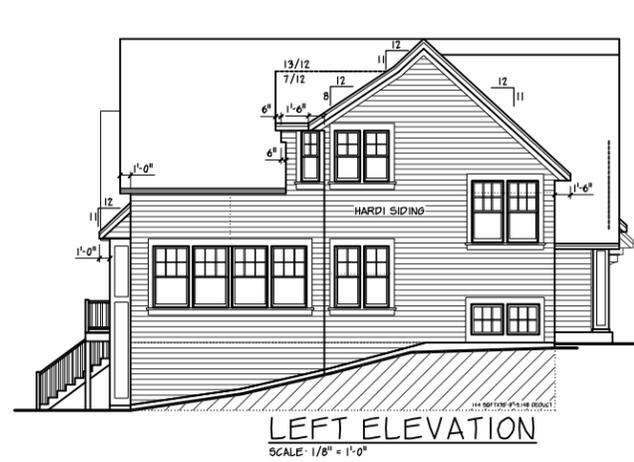
This section completed if tree permit is NOT in conjunction with a building permit:

For Office Use Only	Fee Amount \$ 250.00	Fee Paid: <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Check #	Date Pmt Received:
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Form Updated 09-01-15

BUILDING VOLUME CALCULATION

LOT SIZE - 23,135 SQ.FT.
 ALLOWABLE VOLUME - 15,000 X 2 + 16,270 + 75,000 = 91,270 CUFT.
 CALCULATED VOLUME:
 SQUARE FEET OF FIRST FLOOR, SECOND FLOOR OVERHANGING DECK, FRONT PORCH, GARAGE, SCREEN PORCH = 2,982.62 SQ.FT. X HEIGHT LOWEST GRADE TO RIDGE 9'4" = 107,929.8 CUFT (OVER BY 11,390.77)
 DEDUCTIONS:
 LEFT ELEVATION BELOW GRADE AS SHOWN = 5,148 CUFT.
 RIGHT ELEVATION BELOW GRADE AS SHOWN = 1,373 CUFT.
 FRONT ELEVATION BELOW GRADE AS SHOWN = 107,929 CUFT.
 FRONT ELEVATION BELOW GRADE AS SHOWN = 129.8 CUFT.
 BELOW SECOND FLOOR ABOVE DECK TO LOWEST GRADE = 63.7 SQ.FT. X 16'-2" = 1,029.8 CUFT.
 GARAGE ROOF DEDUCT AS SHOWN = 3,444 CUFT.
 TOTAL = 12,399.85 CUFT.
 NOTE: ADDITIONAL DEDUCTIONS AVAILABLE



EXTERIOR NOTES

- FLASHING NOTES**
- * KICKOUT FLASHING TO BE INSTALLED AS NEEDED
 - * EXTERIOR WALL FINISHER TO VERIFY KICKOUT FLASHING IS INSTALLED PRIOR TO FINISHING
 - * CARPENTER TO FLASH ALL EXTERIOR WINDOWS AND DOORS PER MN & IRC CODE REQUIREMENTS
- WINDOW NOTES**
- * XXXX WINDOWS
 - * BLDR. TO VERIFY ALL WINDOW, DOOR, & OPENING HDR HTS
- EXT. FINISHING NOTES**
- * XX SIDING/SHAKES
 - * XX 8"X3" FASCIA UNLESS NOTED OTHERWISE
 - * XX SOFFIT W/ VENTS
 - * XX TRIM
 - * XX SHINGLES

BID PLAN
NOT FOR CONSTRUCTION

D.F.P. PLANNING & DESIGN
 3100 BALTIMORE ST. NE SUITE 105 BLAINE, MN 55449
 WEB: WWW.DFPDESIGN.COM E-MAIL: INFO@DFPDESIGN.COM
 Phone: 763-760-8004 Fax: 763-760-8005



© 2015 DFP PLANNING & DESIGN
 UNAUTHORIZED USE OF THE PLAN
 IS A VIOLATION OF THE U.S.
 COPYRIGHT ACT



MARK D. WILLIAMS
 CUSTOM HOMES, INC.



NORA ROTTIER &
 DAN STATSICK
 21633 FAIRVIEW ST.
 GREENWOOD, MINNESOTA

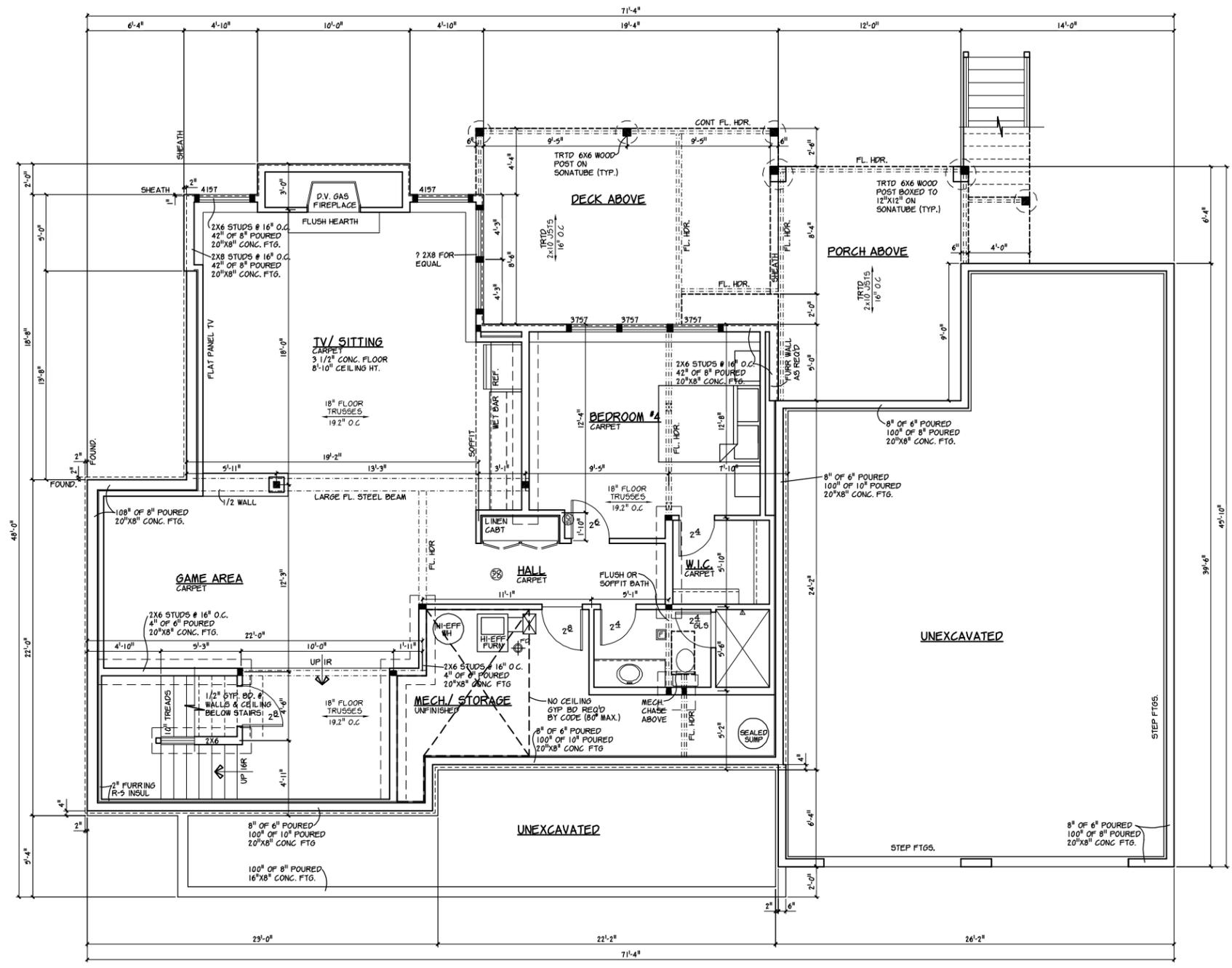
DATE: 11-13-15
 REVISIONS: 11-24-15 KH

DRAWN BY: CD
 COMM. NO. 215416
 SHEET NO. 1

1,919 SQ. FT. F.F.
 1,119 SQ. FT. S.F.
 3,234 SQ. FT. TOTAL
 1,267 SQ. FT. L.L. FIN.
 4,501 SQ. FT. TOTAL
 202 SQ. FT. SCREEN PORCH

BID PLAN

NOT FOR CONSTRUCTION



FOUNDATION PLAN

SCALE: 1/4"=1'-0"

EXTERIOR DIMENSIONS ARE FROM EXTERIOR OF FOUNDATION WALLS AT FULL BASEMENT AREAS AND AS NOTED AT FRAMED WALLS AT LOOKOUT AND WALKOUT AREAS

BASEMENT FINISHED	1,267 SQ. FT.
BASEMENT UNFINISHED	153 SQ. FT.

- WINDOW NOTES**
- * PELLA PROLINE WINDOWS
 - * BLDG TO VERIFY ALL WINDOW, DOOR, & OPENING HDR HTS
 - * WINDOW WELLS WITH A VERTICAL DEPTH OF MORE THAN 44" MUST BE EQUIPPED WITH AN APPROVED LADDER

- GUARDRAIL NOTES**
- * GUARDRAIL REQUIRED ON OPEN SIDE OF ANY STAIR MORE THAN 30" ABOVE FLOOR
 - * ALL OPENINGS LESS THAN 4" AT ALL GUARDRAILS

- FLOOR SYSTEM NOTES**
- * ALL FLOORS TO BE L7480
 - * FLOOR TRUSS MANUF. TO VERIFY FRAMING BELOW GRANITE TOPS ABOVE
 - * FLOOR TRUSS MANUF. TO PROVIDE HEAT SUPPLY & RETURN CHASE IN TRUSSES

- FOUNDATION NOTES**
- * 8"-0" POURED FOUNDATION WALLS W/SINGLE PLATE
 - * FOUNDATION WALLS HELD IN FROM SHEATHING ABOVE AS INDICATED
 - * SILL PLATE OVERHANGS FOUNDATION 1 1/2" MAX (SEE DETAILS)
 - * BASEMENT FLOOR RAISED TO TOP OF WALKOUT STEM WALL
 - * ASSUMED SOIL BRG CAPACITY 2,000 LBS.
 - * MASONRY CONTRACTOR TO VER ALL WALL & FOOTING REQUIREMENTS AT ALL UNBALANCED BACKFILL LOCATIONS

- SHEETROCK & INSULATION NOTES**
- * SHEETROCK ENTIRE CEILING (EXCEPTION 8" MAX # MECHANICAL)
 - * 1/2" GYP. BD. AT WALLS & CEILING BELOW STAIRS
 - * R-10 EXTERIOR FOUNDATION INSULATION # FULL BSMT/LOOKOUT
 - * R-5 MIN. R-11 MAX. INTERIOR FOUND. INSUL. # FULL BSMT/LOOKOUT (FOIL FACED AT ALL UNPROTECTED AREAS)
 - * R-5 EXTERIOR FOUNDATION INSULATION # WALKOUT
 - * R-10 FOUND. INSUL. # INSIDE OF WALKOUT FOUND. WALL

- FRAMING NOTES**
- * 8'-9" 1/2" PLATE HT. UNLESS NOTED OTHERWISE
 - * 2X6 STUDS # POCKET DOOR WALLS UNLESS NOTED OTHERWISE
 - * DOUBLE STUDS AT ALL WINDOW & PATIO DOOR HEADERS UNLESS NOTED OTHERWISE
 - * PROVIDE SOLID BLOCKING AT ALL POINT LOADS, SUPPORT BEAMS, MICROLAMS, AND GIRDER TRUSSES TO FOUNDATION

- SMOKE AND CARBON MONOXIDE DETECTORS**
- * PROVIDE SMOKE DETECTORS IN EVERY BEDROOM AND THE CORRIDOR GIVING ACCESS TO THE BEDROOM, ON EACH FLOOR INCLUDING THE BASEMENT, AND IN ANY ROOM THAT HAS A CEILING HEIGHT MORE THAN 24" HIGHER THAN A CORRIDOR GIVING ACCESS TO THE BEDROOMS.
 - * PROVIDE CARBON MONOXIDE DETECTORS WITHIN 10'-0" OF ALL BEDROOMS

D.F.P. PLANNING & DESIGN
 3000 BALTIMORE ST. NE SUITE 108, BLAINE, MN 55449
 WEB: WWW.DFPDESIGN.COM E-MAIL: INFO@DFPDESIGN.COM
 Phone: 763-780-8004 Fax: 763-780-8005



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MARK D. WILLIAMS
 CUSTOM HOMES, INC.



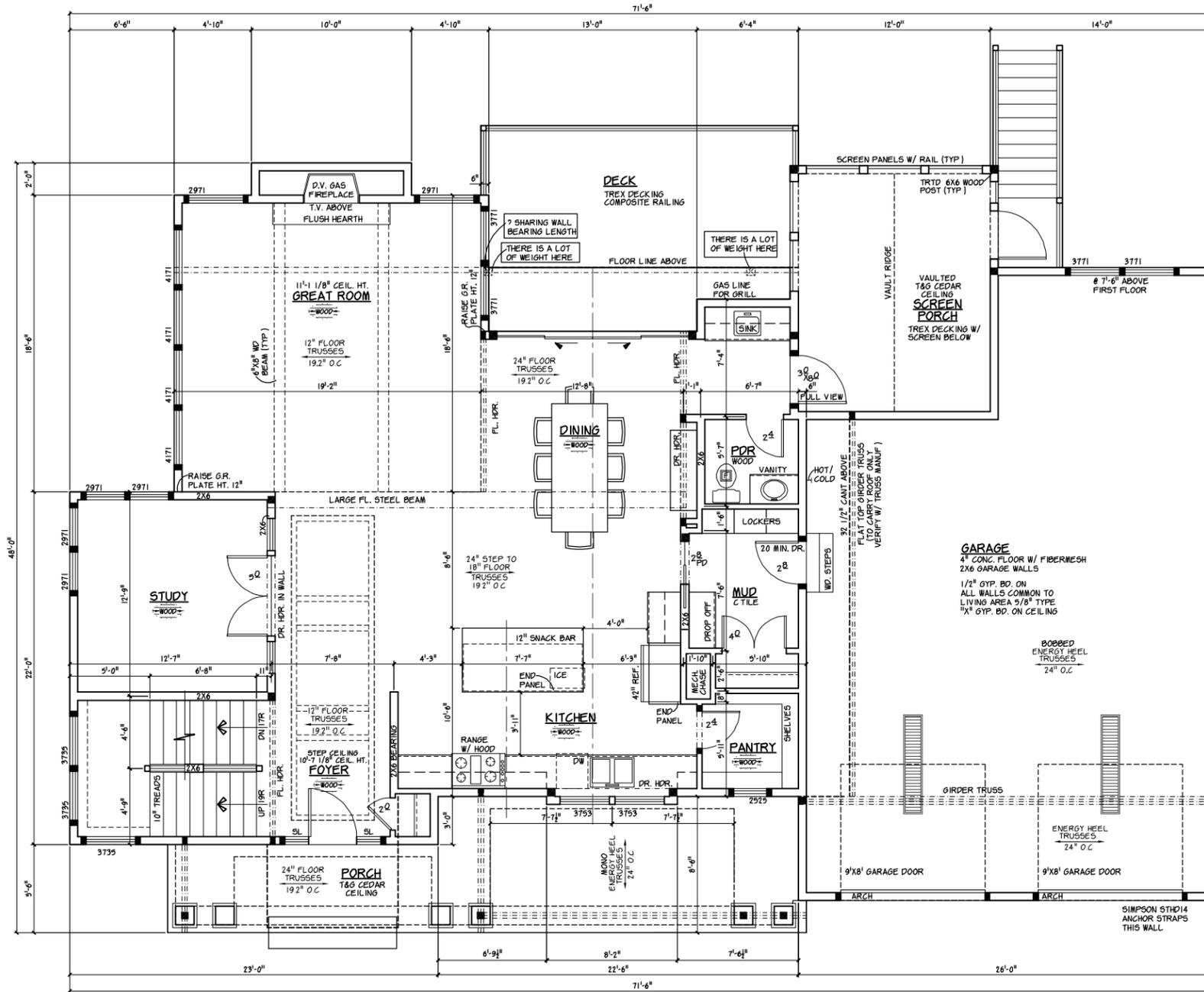
NORA ROTTIER & DAN STATTSICK
 21633 FAIRVIEW ST.
 GREENWOOD, MINNESOTA

DATE: 11-13-15
 REVISIONS: 11-24-15 KH

DRAWN BY: CD
 COMM. NO: 215416
 SHEET NO: 2

BID PLAN

NOT FOR CONSTRUCTION



B

C

D

A

FIRST FLOOR PLAN

SCALE: 1/4"=1'-0"

EXTERIOR DIMENSIONS ARE SHEATHING TO SHEATHING

FIRST FLOOR FINISHED	1315 SQ. FT.
PORCH	202 SQ. FT.
GARAGE	897 SQ. FT.

- WINDOW NOTES**
- * PELLA PROLINE WINDOWS
 - * BLDR. TO VERIFY ALL WINDOW, DOOR, & OPENING HDR HTS
 - * ALL WINDOWS & DOOR HEADERS SET BOTTOM @ 8'-3" U.N.O.

- GUARDRAIL NOTES**
- * GUARDRAIL REQUIRED ON OPEN SIDE OF ANY STAIR MORE THAN 30" ABOVE FLOOR
 - * ALL OPENINGS LESS THAN 4" AT ALL GUARDRAILS

- FLOOR SYSTEM NOTES**
- * ALL FLOORS TO BE L/480
 - * FLOOR TRUSS MANUF. TO VERIFY FRAMING BELOW GRANITE TOPS ABOVE
 - * FLOOR TRUSS MANUF. TO PROVIDE HEAT SUPPLY & RETURN CHASE IN TRUSSES

- FRAMING NOTES**
- * 10'-1 1/8" PLATE HT. UNLESS NOTED OTHERWISE
 - * 2X6 STUDS & POCKET DOOR WALLS UNLESS NOTED OTHERWISE
 - * DOUBLE STUDS AT ALL WINDOW & PATIO DOOR HEADERS UNLESS NOTED OTHERWISE
 - * PROVIDE SOLID BLOCKING AT ALL POINT LOADS, SUPPORT BEAMS, MICROLAMS, AND GIRDER TRUSSES TO FOUNDATION

- SMOKE AND CARBON MONOXIDE DETECTORS**
- * PROVIDE SMOKE DETECTORS IN EVERY BEDROOM AND THE CORRIDOR GIVING ACCESS TO THE BEDROOM, ON EACH FLOOR INCLUDING THE BASEMENT, AND IN ANY ROOM THAT HAS A CEILING HEIGHT MORE THAN 24" HIGHER THAN A CORRIDOR GIVING ACCESS TO THE BEDROOMS.
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MARK D. WILLIAMS
 CUSTOM HOMES, INC.

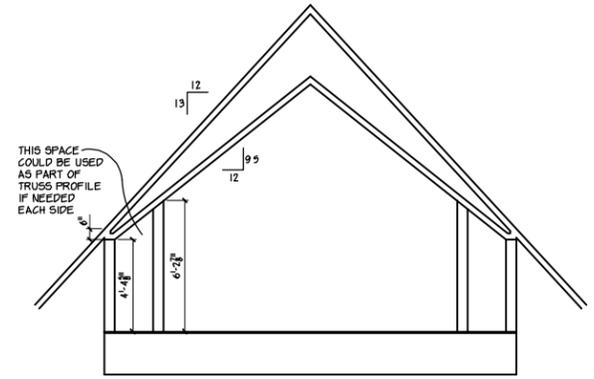
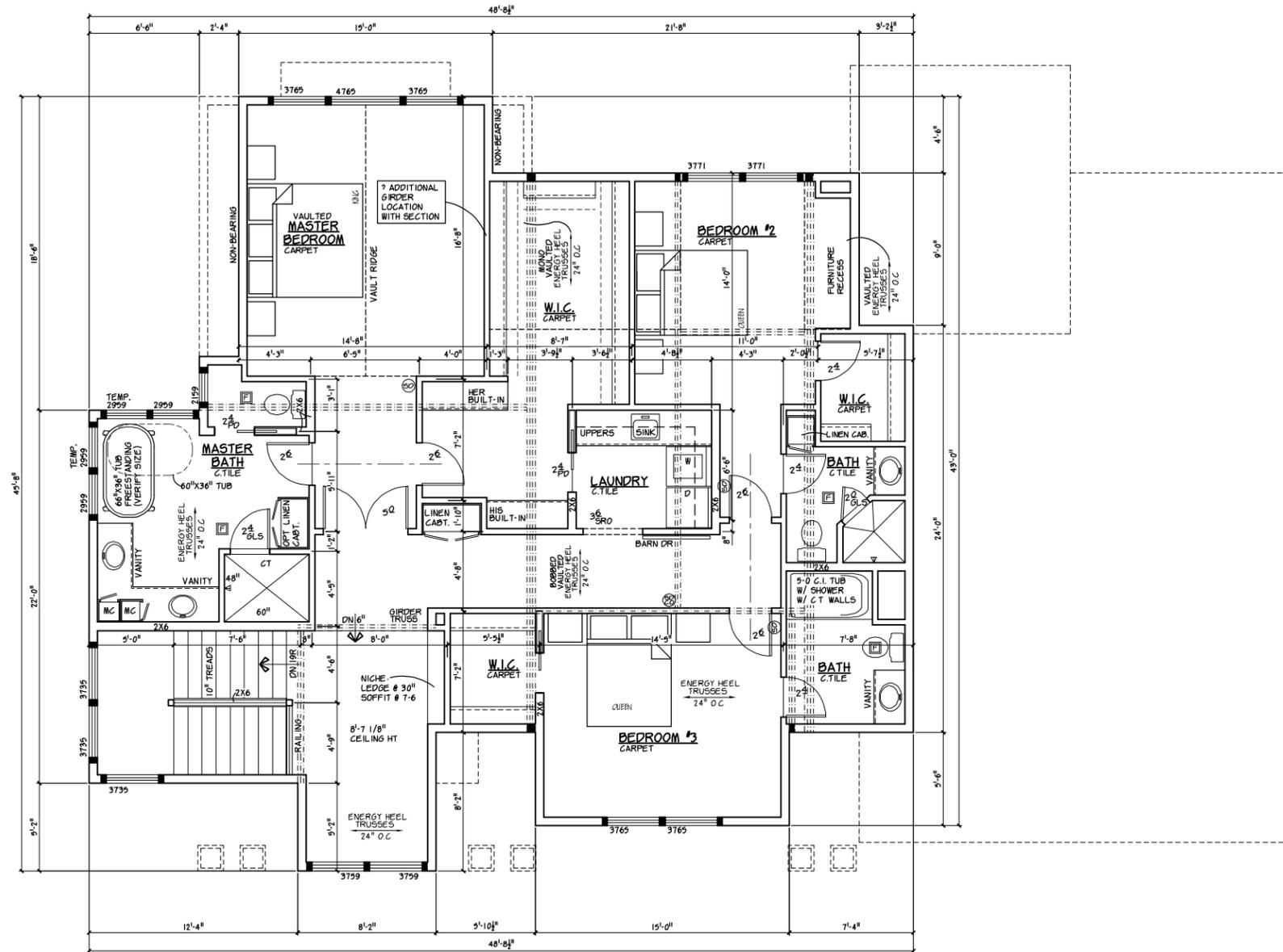
NORA ROTTIER &
 DAN STATSICK
 21633 FAIRVIEW ST.
 GREENWOOD, MINNESOTA

DATE:
 11-13-15
 REVISIONS:
 11-24-15 KH

DRAWN BY:
 CD
 COMM. NO.
 215416
 SHEET NO.
3

BID PLAN

NOT FOR CONSTRUCTION



MASTER TRUSS DETAIL
SCALE: 1/4"=1'-0"

DISCUSS THESE TRUSSES W/ TRUSS MANUF.

SECOND FLOOR PLAN

SCALE: 1/4"=1'-0"
EXTERIOR DIMENSIONS ARE SHEATHING TO SHEATHING
SECOND FLOOR FINISHED 1,719 SQ. FT.

- WINDOW NOTES**
- * PELLA PROLINE WINDOWS
 - * BLOR TO VERIFY ALL WINDOW, DOOR, & OPENING HOR. HTS.
 - * ALL WINDOWS SET # 6'-10" UNLESS NOTED OTHERWISE
- GUARDRAIL NOTES**
- * GUARDRAIL REQUIRED ON OPEN SIDE OF ANY STAIR MORE THAN 30" ABOVE FLOOR
 - * ALL OPENINGS LESS THAN 4" AT ALL GUARDRAILS
- FRAMING NOTES**
- * 8'-1 1/8" PLATE HT. UNLESS NOTED OTHERWISE
 - * 2X6 STUDS & POCKET DOOR WALLS UNLESS NOTED OTHERWISE
 - * DOUBLE STUDS AT ALL WINDOW & PATIO DOOR HEADERS UNLESS NOTED OTHERWISE
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MARK D. WILLIAMS
CUSTOM HOMES, INC.

NORA ROTTIER & DAN STATSICK
21633 FAIRVIEW ST.
GREENWOOD, MINNESOTA

DATE: 11-13-15
REVISIONS: 11-24-15 KH

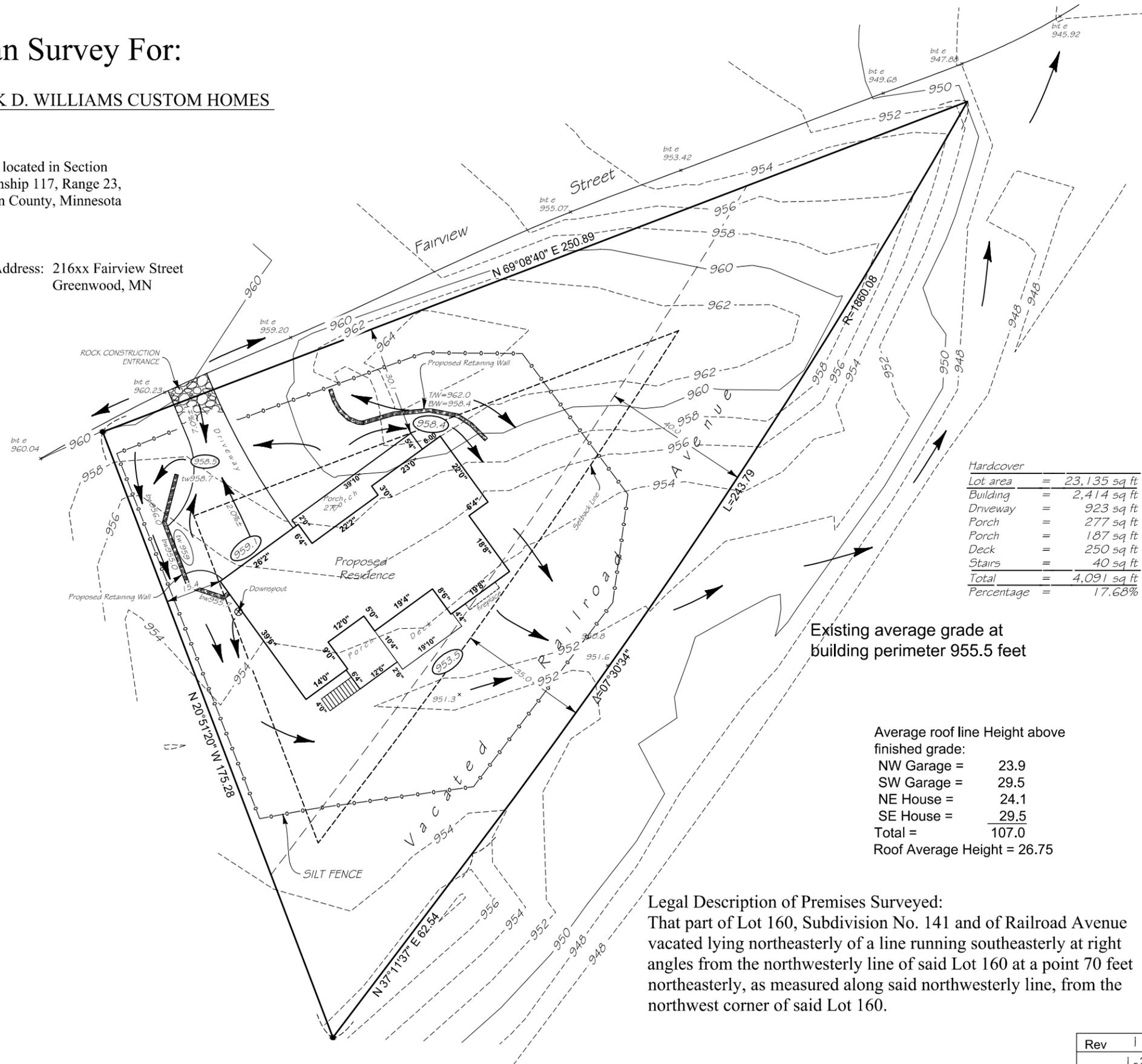
DRAWN BY: CD
COMM. NO. 215416
SHEET NO. 4

Site Plan Survey For:

MARK D. WILLIAMS CUSTOM HOMES

Property located in Section
26, Township 117, Range 23,
Hennepin County, Minnesota

Property Address: 216xx Fairview Street
Greenwood, MN



INVOICE NO. 84523
F.B.NO. -
SCALE: 1" = 30'

- Denotes Found Iron Monument
- Denotes Iron Monument
- Denotes Wood Hub Set for excavation only
- - - Denotes Existing Contours
- Denotes Proposed Contours
- x000.0 Denotes Existing Elevation
- 000.0 Denotes Proposed Elevation
- ← Denotes Surface Drainage

Basis for bearings is assumed

NOTE: Proposed grades are subject to results of soil tests. Proposed building information must be checked with approved building plan and development or grading plan before excavation and construction. Proposed grades shown on this survey are interpolations of proposed contours from the drainage, grading and/or development plans.

NOTE: The relationship between proposed floor elevations to be verified by builder.

<u>961.1</u>	Proposed First Floor
<u>959.4</u>	Proposed Top of Block
<u>959.1</u>	Proposed Garage Floor
<u>950.7</u>	Proposed Lowest Floor

Type of Building
Full Basement Lookout

<i>Hardcover</i>	
Lot area	= 23,135 sq ft
Building	= 2,414 sq ft
Driveway	= 923 sq ft
Porch	= 277 sq ft
Porch	= 187 sq ft
Deck	= 250 sq ft
Stairs	= 40 sq ft
Total	= 4,091 sq ft
Percentage	= 17.68%

The Gregory Group, Inc.
d.b.a.

LOT SURVEYS COMPANY

Established in 1962

LAND SURVEYORS

REGISTERED UNDER THE LAWS OF STATE OF MINNESOTA

7601 73rd Avenue North
Minneapolis, Minnesota 55428

(763) 560-3093
Fax No. 560-3522

Surveyors Certificate

The only easements shown are from plats of record or information provided by client.

I certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed land Surveyor under the laws of the State of Minnesota

Surveyed this 3rd day of November 2015.

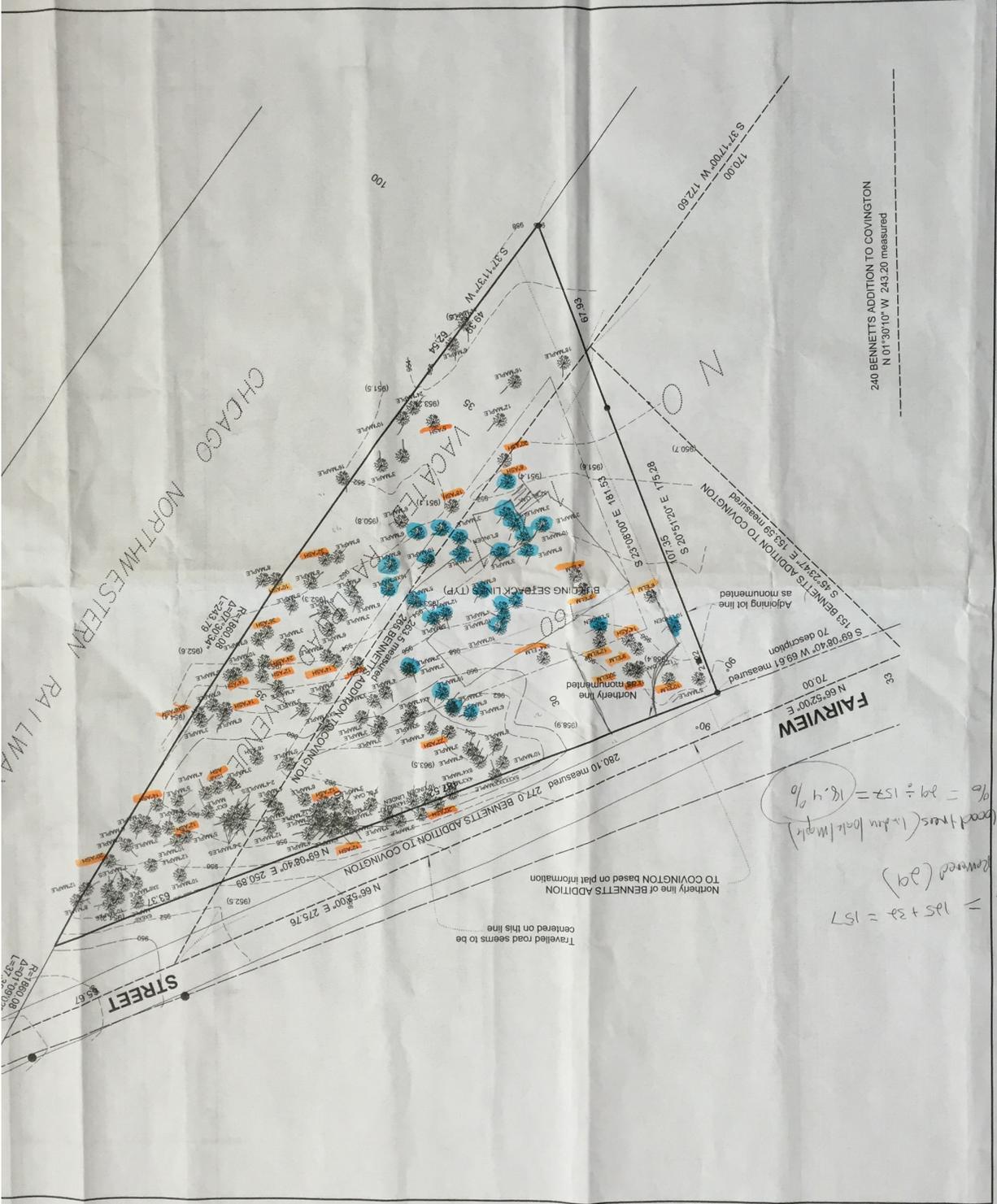
Signed Gregory R. Frasch
Gregory R. Frasch, Minn. Reg. No. 24992

Existing average grade at building perimeter 955.5 feet

Average roof line Height above finished grade:	
NW Garage =	23.9
SW Garage =	29.5
NE House =	24.1
SE House =	29.5
Total =	107.0
Roof Average Height = 26.75	

Legal Description of Premises Surveyed:
That part of Lot 160, Subdivision No. 141 and of Railroad Avenue vacated lying northeasterly of a line running southeasterly at right angles from the northwesterly line of said Lot 160 at a point 70 feet northeasterly, as measured along said northwesterly line, from the northwest corner of said Lot 160.

Rev	11-30-15 porch/deck area	Drawn By	J. Munson
	1-25-16 topog	File Name	as-141-160inv84523 final.dwg



Bad trees
 Elm
 Ash
 Box
 Box
 Sumac

Total trees = 125 + 32 = 157
 # Good trees removed (29)
 # Bad trees = 125
 % Good trees removed = $29 \div 157 = 18.4\%$

Bad trees
 Good trees removed (29)
 Total trees = 125 + 32 = 157

Travelled road seems to be centered on this line
 Northern line of BENNETTS ADDITION TO COVINGTON based on plat information

240 BENNETTS ADDITION TO COVINGTON
 N 01° 30' 10\"/>

FAIRVIEW
 N 66° 52' 00\"/>

CHICAGO NORTHWESTERN RAILWAY
 VACATED

STREET

Dale Cooney

Subject: 216xx fairview

From: Robert Bean [<mailto:bobbe@bolton-menk.com>]

Sent: Tuesday, January 05, 2016 12:10 PM

To: 'Dale Cooney'

Subject: RE: 216xx fairview

Dale,

I have completed review of the information submitted for 216xx Fairview Street. Following are my comments for City consideration:

1. Existing drainage patterns will be maintained with proposed improvements. Runoff generally drains from the front to back of the lot and then off-site to the east.
2. The applicant is proposing to alter elevations by more than 2' over an area greater than 300 square feet. Therefore, a variance for land alteration should be required.
3. Perimeter erosion control measures (i.e. siltfence, rock entrance, etc.) should be installed by the Contractor and inspected by the City prior to any other work. Contractor must provide 24 hour notice prior to inspection.
4. Retaining walls 4' or greater in height must be designed by a licensed Professional Engineer, and plans must be submitted to the City for review.
5. Contractor must exercise care during construction to not block traffic on Fairview Street. Clear drive lanes must be maintained at all times. All vehicles and equipment should be parked on site during construction.
6. The applicant may need a permit from the Minnehaha Creek Watershed District (MCWD) for their Erosion Control Rule. A copy of any permits or approvals required by MCWD should be submitted to the City conditional to final approval.

If you have any questions or comments, please contact me to discuss.

Thanks,

Robert E. Bean, Jr, P.E.

LEED Green Assoc.

Bolton & Menk, Inc.

P:(952) 448-8838, ext 2892

F:(952) 448-8805

email: bobbe@bolton-menk.com

Dale Cooney

Subject: FW: Proposed House on Fairview

From: Anne Spaeth [<mailto:jrafspaeth@me.com>]
Sent: Friday, January 08, 2016 8:28 AM
To: dalec@mediacombb.net; dkind100@gmail.com
Subject: Fwd: Proposed House on Fairview

Please see our response to Jeannie. Our only concern is the loss of trees in that area which we assume will occur with this building. If there is anything you can do to manage that portion of the project to maintain as much of the mature tree species we would really appreciate it. That area is filled with wildlife who depend on the cover of trees for their survival. Thank you for doing what must seem at times an incredibly "thankless" job. Anne

Sent from my iPhone

Begin forwarded message:

From: Anne Spaeth <jrafspaeth@me.com>
Date: January 8, 2016 at 8:22:32 AM CST
To: Jeannie Bowers <jwb@jeanniemn.com>, walshdk@gmail.com, shaboogie@gmail.com
Subject: Re: Proposed House on Fairview

Jeannie:

Happy New Year to you as well. Thank you for forwarding the documents. It looks like it will be a beautiful home and we look forward to welcoming our new neighbors to Fairview Street.

Warm regards, Anne

Sent from my iPhone

RESOLUTION NO 07-16

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA
ACTING AS THE BOARD OF APPEALS & ADJUSTMENTS

APPROVING

In Re: Application of Mark D. Williams Custom Homes for PID No. 26-117-23-24-0030 (address unassigned, in the vicinity of 216XX Fairview) for a conditional use permit under Greenwood ordinance code section 1140.19(2) and 1150.20 to permit the construction of a new house.

WHEREAS, Mark Williams of Mark D. Williams Custom Homes, applicant, is the builder at PID No. 26-117-23-24-0030 (address unassigned, in the vicinity of 216XX Fairview), Greenwood, Minnesota 55331 and in conformance with Greenwood ordinance code sections 1140.19(2) and 1150.20 has made application for a conditional use permit (CUP); and

WHEREAS, the applicant proposes to construct a new house; and

WHEREAS, notice of a public hearing was published, notice given to neighboring property owners, and a public hearing was held before the planning commission to consider the application; and

WHEREAS, public comment was taken at the public hearing before the planning commission on January 20, 2016; and

WHEREAS, the city council of the city of Greenwood has received the staff report, the recommendation of the planning commission, and considered the application, the comments of the applicant, and the comments of the public.

NOW, THEREFORE, the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments does hereby make the following:

FINDINGS OF FACT

1. That the real property located at PID No. 26-117-23-24-0030 (address unassigned, in the vicinity of 216XX Fairview), Greenwood, Minnesota 55331 is a single-family lot of record located within the R1A district.
2. Pursuant to Greenwood ordinance code 1140.19(2), the property owner proposes grading or site/lot topography alteration involving more than 200 square feet of surface area, and involving more than 20 cubic yards of material, which requires the property owner to apply for a CUP.
3. Pursuant to Greenwood ordinance code section 1150.20, subd. 3, Conditional Use Permits (general regulations), the city council may impose such conditions and safeguards upon the property benefitted by a CUP as may be necessary to maintain compatibility with other properties in the neighborhood.
4. Greenwood ordinance section 1150.20, subd 1 states:

“Subd. 1. The planning commission shall make findings and recommendations to the city council. The council may then authorize a conditional use by resolution provided the evidence presented is such as to establish:

 - (a) That the proposed use will comply with the regulations specified in this ordinance for the district in which the proposed use is to be located.
 - (b) That the use is one of the conditional uses permitted for the district in which it is to be located.
 - (c) The use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city.
 - (d) The use will be harmonious with the objectives of the comp plan.
 - (e) The use will not be hazardous or disturbing to existing or future neighboring uses.
 - (f) The use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, sewer, schools, or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.

- (g) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
 - (h) The use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
 - (i) The use will have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
 - (j) The use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
 - (k) The use will not depreciate surrounding property values.”
6. The applicant asserts that the proposed CUP request complies with CUP standards in Greenwood ordinance section 1150.20, subd 1.
7. The planning commission discussed the CUP request and on a 5-0 vote recommended approval because the proposed CUP request complies with the CUP standards in Greenwood ordinance section 1150.20, subd 1, if the following reasonable and necessary conditions relating to the present request are made a condition of approval:
- (a) the hardcover calculations shall be updated to include the driveway and steps
 - (b) applicant shall make revisions to the area near retaining wall on the west side of the property to allow for the drainageway to function properly
 - (c) applicant shall verify with grading or drainage details that there will be no additional water existing on the west side of the property in the vicinity of the 952’ contour on the southwest corner of the house.
8. Based on the foregoing, the city council determined that the proposed CUP request complies with the CUP standards in Greenwood ordinance section 1150.20 subd 1, if the following reasonable and necessary conditions relating to the present request are made a condition of approval:
- (a) applicant shall make revisions to the area near retaining wall on the west side of the property to allow for the drainageway to function properly
 - (b) applicant shall verify with grading or drainage details that there will be no additional water existing on the west side of the property in the vicinity of the 952’ contour on the southwest corner of the house.
 - (c) The project must be completed according to the specifications and design requirements in the submitted plans.
 - (d) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the city council acting as the Board of Appeals & Adjustments makes the following conclusions of law:

1. The applicant has made an adequate demonstration of facts meeting the standards of sections 1140.19(2) and 1150.20 necessary for the grant of a CUP.
2. The CUP requested is reasonable and should be granted on the following conditions:
 - (a) applicant shall make revisions to the area near retaining wall on the west side of the property to allow for the drainageway to function properly
 - (b) applicant shall verify with grading or drainage details that there will be no additional water existing on the west side of the property in the vicinity of the 952’ contour on the southwest corner of the house.
 - (c) The project must be completed according to the specifications and design requirements in the submitted plans.
 - (d) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments that the city of Greenwood does hereby grant and issue a Conditional Use Permit to the applicant for the subject property to construct a permanent in-ground, at-grade swimming pool on the following conditions:

- (a) applicant shall make revisions to the area near retaining wall on the west side of the property to allow for the drainageway to function properly
- (b) applicant shall verify with grading or drainage details that there will be no additional water existing on the west side of the property in the vicinity of the 952’ contour on the southwest corner of the house.
- (c) The project must be completed according to the specifications and design requirements in the submitted plans.

(d) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

PASSED this ____ day of _____, 2016 by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments for the city of Greenwood, Minnesota.

____ AYES ____ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana Young, City Clerk

RESOLUTION NO 08-16

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA
ACTING AS THE BOARD OF APPEALS & ADJUSTMENTS

APPROVING

IN RE: The application of Mark D. Williams Custom Homes for PID No. 26-117-23-24-0030 (address unassigned, in the vicinity of 216XX Fairview) for variances to Greenwood ordinance code section 1140.19(5) to exceed the maximum permitted grade alteration for the construction of a new house.

WHEREAS, Mark Williams of Mark D. Williams Custom Homes, applicant, is the builder at PID No. 26-117-23-24-0030 (address unassigned, in the vicinity of 216XX Fairview), Greenwood, Minnesota 55331; and

WHEREAS, application was made for variance to section 1140.19(5) to permit construction of a new house that changes the existing grade by up to 5 feet; and

WHEREAS, notice of a public hearing was published, notice given to neighboring property owners, and a public hearing was held before the planning commission to consider the application; and

WHEREAS, public comment was taken at the public hearing before the planning commission on January 20, 2016; and

WHEREAS, the city council of the city of Greenwood has received the staff report, the recommendation of the planning commission, and considered the application, the comments of the applicant and the comments of the public.

NOW, THEREFORE, the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments does hereby make the following:

FINDINGS OF FACT

1. That the real property located at PID No. 26-117-23-24-0030 (address unassigned, in the vicinity of 216XX Fairview), Greenwood, Minnesota 55331 is a single-family lot of record located within the R1A district.
2. The applicant proposes to construct a new house that exceeds the maximum permitted grade alteration.
3. Greenwood ordinance code section 1140.19(5) states, "The existing grade of a lot shall not be altered by the addition or removal of fill or by grading so as to increase or decrease the average elevation of the land by more than 1 foot in any area greater than 100 square feet without the approval of the City Engineer. Any elevation increase or decrease of more than 2 feet in any area greater than 300 square feet requires a variance. The measurements shall be calculated by averaging the lowest point of elevation and highest point of elevation in the square foot area on the existing survey compared to the proposed survey."
4. The applicant proposes to change the existing grade by up to 5 feet and seeks a variance to exceed the maximum permitted grade alteration by 3 feet.
5. Greenwood ordinance section 1155.10, subd 4, 5 & 6 states:

"Subd. 4. Practical Difficulties Standard. "Practical difficulties," as used in connection with the granting of a variance, means:

- (a) that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
- (b) the plight of the landowner is due to circumstances unique to the property and not created by the landowner;
- (c) and the variance, if granted, will not alter the essential character of the locality

Economic considerations alone shall not constitute practical difficulties.

Subd. 5. Findings. The board, in considering all requests for a variance, shall adopt findings addressing the following questions:

- (a) Is the variance in harmony with the purposes and intent of the ordinance?
- (b) Is the variance consistent with the comprehensive plan?
- (c) Does the proposal put property to use in a reasonable manner?
- (d) Are there unique circumstances to the property not created by the landowner?
- (e) Will the variance, if granted, alter the essential character of the locality?

Subd. 6. Practical Difficulties Considerations. When determining reasonable manner or essential character, the board will consider, but will not be limited to, the following:

- (a) Impair an adequate supply of light and air to adjacent property.
- (b) Unreasonably increase the congestion in the public street.
- (c) Increase the danger of fire or endanger the public safety.
- (d) Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this ordinance.”

- 6. The applicant asserts that the proposed variance request complies with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6.
- 7. The planning commission discussed the variance request and on a 5-0 vote recommended the council accept the recommendation and findings of staff to approve the application of Mark D. Williams Custom Homes for the variance to exceed the maximum permitted grade alteration by 3 feet to re-grade the property located at PID No. 26-117-23-24-0030 (address unassigned, in the vicinity of 216XX Fairview). The proposal meets the practical difficulties standards outlined in section 1155.10(4) in that: a) the variance will be in harmony and keeping with the spirit and intent of the zoning ordinance because the applicant is seeking to vary from the grade change standards in order to regrade an existing triangular lot that has not been regraded to accommodate a housing pad before, and the house would be otherwise zoning code compliant; b) the variance will be consistent with the comprehensive plan's guiding use for the subject property in the applicable zoning because of the character of the proposed use is consistent with the applicable zoning; c) though the property owner's proposed *manner of use* of the property is not permitted by the zoning ordinance without a variance, the proposed *manner of use* is reasonable because the proposed regrading is moderate in scope and scale and is attempting to work within the constraints of the site; d) the plight of the landowner-applicant is due to circumstances unique to the property and not created by the landowner because the existing lot has never been graded to accommodate a home, and the triangular shape of the lot limits how and where a house can be sited on the property; e) the variance, if granted, will not alter the essential character of the locality, because the proposed house would remain consistent with the scope and scale of the surrounding properties.
- 8. Based on the foregoing, the city council determined that variance request:
 - (a) Complies with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6.
 - (b) Is in harmony with the purpose and intent of the ordinance, which is to prevent increasing the allowable height of new homes relative to their neighbors by raising a property's grade, and to prevent the adverse direction of water to neighboring properties as the result of re-grading.

And the city council has determined that the following conditions should be imposed on any variance grant:

- (a) Applicant shall make revisions to the area near retaining wall on the west side of the property to allow for the drainageway to function properly
 - (b) Applicant shall verify with grading or drainage details that there will be no additional water existing on the west side of the property in the vicinity of the 952' contour on the southwest corner of the house.
 - (c) The project must be completed according to the specifications and design requirements in the submitted plans.
 - (d) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.
- 9. Subject to the stated conditions, the variance, if granted, will be in harmony with the purpose and intent of the zoning ordinance and may be granted.

CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the city council acting as the Board of Appeals & Adjustments makes the following conclusions of law:

The applicant has made an adequate demonstration of facts meeting the standards of section 1155.10 necessary for the grant of a variance and therefore:

A. A variance to section 1155.10(4) to exceed the maximum permitted grade alteration by 3 feet should be granted.

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments:

That the application of Mark D. Williams Custom Homes, at PID No. 26-117-23-24-0030 (address unassigned, in the vicinity of 216XX Fairview), Greenwood, Minnesota 55331 for:

- A. A variance to section 1155.10(4) to exceed the maximum permitted grade alteration by 3 feet is APPROVED with the following conditions:
- (a) Applicant shall make revisions to the area near retaining wall on the west side of the property to allow for the drainageway to function properly
 - (b) Applicant shall verify with grading or drainage details that there will be no additional water existing on the west side of the property in the vicinity of the 952' contour on the southwest corner of the house.
 - (c) The project must be completed according to the specifications and design requirements in the submitted plans.
 - (d) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

PASSED this ____ day of _____, 2016 by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments for the city of Greenwood, Minnesota.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana Young, City Clerk



Agenda Number: 6C

Agenda Date: 02-03-16

Prepared by Dale Cooney

Agenda Item: Draft Ordinances Regarding Stormwater Management

Summary: Councilmember Cook has been working with the city engineer and zoning administrator to develop an ordinance regarding stormwater management.

Incremental increases in impervious surface expansions can lead to increased runoff problems within the city. Since Greenwood relies on overland flow to control the vast majority of stormwater runoff, these impervious surface expansions are difficult to manage without corresponding increases in stormwater storage capacity. The current ordinance requirements of Section 305 Subd. 2 do not provide specific performance criteria. The draft ordinance attempts to remedy this while also providing a more detailed process for compliance. Staff has proposed adding the Stormwater Management section to within the General Regulations section of Chapter 11. This would allow broader applicability of these standards. Section 305 is only applicable to residential and commercial construction sites with costs of \$10,000 or more.

The amendment to Section 305 Subd. 1 was requested by the city engineer as a compliance requirement for the city's MS4 permit.

Timeline:

- 02-03-16 Review of draft ordinances by the city council.
- 02-17-16 Planning commission holds public hearing and makes a recommendation to the city council.
- 03-02-16 City council considers 1st reading of the ordinance (may make revisions/may waive 2nd reading).
- 03-03-16 If 2nd reading is waived, the ordinance is submitted to the Sun-Sailor for publication.
- 03-10-16 If 2nd reading is waived, the ordinance is published in the Sun-Sailor (goes into effect on this date).
- 04-06-16 City council considers 2nd reading of the ordinance (may make revisions).
- 04-07-16 The ordinance is submitted to the Sun-Sailor for publication.
- 04-14-16 The ordinance is published in the Sun-Sailor (goes into effect on this date).

Council Action: No action required. Potential motions ...

1. I move the city council request that the planning commission hold a public hearing for the draft ordinance regarding stormwater management as written.
2. I move the city council request that the planning commission hold a public hearing for the draft ordinance regarding stormwater management with the following revisions: _____.

Greenwood code section 1215 requires 2 readings of all ordinances prior to adoption. The 2nd reading shall be within 3 months of the 1st reading. There may be changes between the 1st and 2nd readings. The 2nd reading may be waived by a unanimous vote of city council members present at the meeting. Ordinances go into effect once they are published in the city's official newspaper. The planning commission must review and make a recommendation to the city council regarding any changes to the zoning code chapter 11. A public hearing, typically held by the planning commission, also is required for changes to chapter 11.

AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA AMENDING GREENWOOD ORDINANCE ZONING CODE CHAPTER 11 REGARDING STORMWATER MANAGEMENT

THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA DOES ORDAIN:

SECTION 1.

Greenwood ordinance code section 1140 is amended to add the following section:

“Section 1140.17. Stormwater Management.

Subd. 1. *Purpose* The purpose of this ordinance is to protect and safeguard the health, safety, and welfare of the public by regulating stormwater runoff rates and volumes that can lead to flooding, flood damage, and erosion.

This ordinance seeks to meet this purpose by:

- (a) Reducing flooding, erosion, and water quality degradation;
- (b) Minimizing the total annual volume of surface water runoff that flows from any specific site to the maximum extent practicable; and
- (c) Ensuring that these management controls are properly maintained and pose no threat to public safety.

Subd. 2. *Applicability.*

This ordinance shall apply to any construction, alteration, or improvement which results in increased impervious surface coverage of 10 square feet or more over existing conditions.

Subd. 3. *Performance Criteria.*

Unless determined by the city to be exempt, all applicable activities subject to Subd. 2. of this ordinance shall establish permanent stormwater management practices according to the following standards:

- (a) Manage the volume of runoff for the equivalent of a 2-inch or more rainfall event for the proposed impervious surface expansion; or
- (b) Manage the rate of runoff for the equivalent of a 2-inch or more rainfall event for the proposed impervious surface expansion.

Subd. 4. *Approval Required Prior to Permit.*

No landowner or land operator shall receive a building permit, grading permit, or approval for any construction, alteration, or improvement subject to this ordinance until first meeting the requirements of this ordinance prior to commencing the proposed activity.

Subd. 5. *Application Requirements.*

Unless otherwise exempted by this ordinance, an application shall be submitted to meet the required performance criteria under Subd. 3. The application shall include the following as a condition of its consideration:

- (a) A certified site survey is required for those impervious surface expansions that:
 - i) propose to expand impervious surfaces by an area of 10% or more over existing conditions; or
 - ii) is otherwise required by city ordinance.
- (b) For those activities not subject to the survey requirements of the City code, the following shall be provided:
 - i.) an impervious surface calculation worksheet with existing and proposed impervious surface conditions;
 - ii.) a site plan or drawing showing the location of proposed activities.
- (c) Plans, specifications, and calculations for all required stormwater management practices.

Subd. 6. *Application Review Procedure.*

Applications meeting the requirements of Subd. 5. of this ordinance shall be submitted to the city zoning administrator and city engineer for review. The city zoning administrator shall approve, approve with conditions, or deny the application. The application may be approved subject to compliance with conditions reasonable and necessary to ensure that the requirements contained in this section 1140.17 are met.

SECTION 2.

Effective Date. This ordinance shall be effective upon publication according to law.

Enacted by the city council of Greenwood, Minnesota this ___ day of _____, 2016.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana H. Young, City Clerk

First reading: _____, 2016
Second reading: _____, 2016
Publication: _____, 2016

Underline = New Text

ORDINANCE NO. TBD

AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA AMENDING GREENWOOD ORDINANCE ZONING CODE CHAPTER 3 REGARDING WATERSHED DISTRICT PERMITS AND WATER MANAGEMENT PLANS

THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA DOES ORDAIN:

SECTION 1.

Greenwood ordinance code section 305, Subd. 1. is amended to read as follows:

“Subd. 1. *General Regulations*. All residential and commercial construction sites for projects shall comply with the following if the project cost is \$10,000 or more:

- (a) Prior to issuance of a building permit, the applicant will be required to attest that they have notified all adjacent property owners within 200 feet of the applicant’s property by U.S. mail to make them familiar with the proposed construction and to provide them with contact information for the applicant and their contractor.
- (b) Work at construction sites shall be limited to 7:00 a.m. to 9:00 p.m. Monday through Friday and 8:00 a.m. to 7:00 p.m. on weekends and holidays.
- (c) The applicant shall submit a construction site management plan as outlined in subdivision 2 of this section.
- (d) Onsite parking of construction vehicles and equipment will be provided. If on street parking is demonstrated to be necessary, it may be done only by a parking permit first obtained from the city. The city may impose such conditions on said parking permit as the city zoning administrator or city clerk deems necessary. Any street parking will be limited to one side of the street, preferably adjacent to the construction site. The permit fee shall be determined by the city council and set forth in chapter 5 of this code book.
- (e) All equipment shall be stored within the confines of the construction site. If necessary, a property line fence will be required to ensure that no construction vehicles, materials or other debris encroaches onto adjacent properties.
- (f) A functioning enclosed toilet and a minimum of one dumpster are required on the site prior to commencement of construction activity. These are to be considerably placed in relation to adjacent properties.
- (g) Daily site clean up of debris and garbage is required.
- (h) Weekly street cleaning is required to remove all dirt, mud and debris from public streets caused by the construction project. City staff will monitor the condition of public streets and may require more frequent street cleaning.
- (i) For activities disturbing an area of 5,000 square feet or greater or involving the grading, excavating, filling, or storing on site of 50 cubic yards of soil or more, applicants shall provide evidence that the proper permits have been issued by Minnehaha Creek Watershed District.

SECTION 2.

Greenwood ordinance code section 305, Subd. 2. is amended to read as follows:

“Subd. 2. *Construction Site Management Plan*. The construction site management plan is a stand-alone document and shall include the following:

A) *A site plan showing:*

- 1) Site address.
- 2) Names, addresses and telephone numbers of construction manager responsible for preparing the construction site management plan.
- 3) Site property lines.
- 4) Location of proposed buildings and structures on site.
- 5) Identification and location of all significant natural boundaries/buffers to neighboring properties.
- 6) All property line fencing and erosion control fencing.
- 7) Location of soil stockpiling.
- 8) Locations of the temporary toilet, if required, and dumpster.
- 9) Site entrance and on-site parking areas, and/or proposed street parking plan.
- 10) A completed tree preservation plan as required by section 1140.80, subdivision 6 of the zoning code.

B) *A completed shoreland management worksheet.*

C) *Water management plan.* Prior to commencing construction, the applicant shall prepare and submit a water management plan. The plan shall a) illustrate silt fencing and describe plans to implement watershed regulatory requirements, (all applicable regulations shall be itemized in an addendum); b) illustrate before and after construction grades, water drainage patterns, and estimated volume and direction/path of water emanating from the property during typical heavy seasonal rains; c) describe and illustrate engineering necessary to manage, contain, or redirect water to prevent water from being concentrated, increased or accelerated onto neighboring properties, both during and after the conclusion of the planned construction; d) adhere to the requirements of Section 1140.17. Stormwater Management, when applicable. The city engineer may require of the applicant a) additional engineering or survey data, b) water plan management revisions, c) temporary or final grade changes, d) drainage control structures, and e) such other requirements as the city engineer, in their sole discretion, may deem necessary. No construction activity or grading which in the opinion of the city engineer will significantly increase, concentrate, or accelerate water onto neighboring properties, either during or after construction, shall be permitted.

SECTION 3.

Effective Date. This ordinance shall be effective upon publication according to law.

Enacted by the city council of Greenwood, Minnesota this ____ day of _____, 2016.

____ AYES ____ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana H. Young, City Clerk

First reading: _____, 2016
Second reading: _____, 2016
Publication: _____, 2016



Agenda Number: 6D

Agenda Date: 02-03-16

Prepared by Deb Kind

Agenda Item: Discuss Variance Practical Difficulty Standards and Time / condition-Limited Variances and Conditionals Use Permits

Summary: Attached is a memo from the city attorney responding to city council questions about practical difficulty standards and time / condition-limited variances and conditional use permits. The city council will discuss these topics at the 02-03-16 city council meeting.

For the council's reference, below are the variance "Practical Difficulties Standard" and "Findings" sections from the city code:

Subd. 4. Practical Difficulties Standard. "Practical difficulties," as used in connection with the granting of a variance, means:

- (a) that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
- (b) the plight of the landowner is due to circumstances unique to the property and not created by the landowner;
- (c) and the variance, if granted, will not alter the essential character of the locality.

Economic considerations alone shall not constitute practical difficulties.

Subd. 5. Findings. The board, in considering all requests for a variance, shall adopt findings addressing the following questions:

- (a) Is the variance in harmony with the purposes and intent of the ordinance?
- (b) Is the variance consistent with the comprehensive plan?
- (c) Does the proposal put property to use in a reasonable manner?
- (d) Are there unique circumstances to the property not created by the landowner?
- (e) Will the variance, if granted, alter the essential character of the locality?

Council Action: No action required.

MEMORANDUM

TO: Mayor and City Council Member, City of Greenwood

FROM: Mark W. Kelly

DATE: January 27, 2016

RE: Zoning Variances, the Practical Difficulties Test, and Time or Condition Limited Variances and Conditional Use Permits

Introduction

The City Council has expressed interest in whether or not it may issue Variances on a time or condition limited basis supporting a future expiration date.

Zoning Regulation, Variances and the Practical Difficulties Test

Zoning codes impose bulk, area, and use property regulations. Because each property is unique, it is inevitable that conflicts with the strict letter of the law will arise. To address these, the enabling statute allows for the grant of variances, on conditions, relating to bulk and lot area controls. However variances cannot be issued as a means to permit a use not otherwise listed as permitted in the code. (MN ST §462.357) In such a case, to proceed, the code must be first amended to include the desired use. When there is a desire to make a short term fix or accommodation, this statutory prohibition has on occasion confounded applicants and city council alike.

Frequently, the city receives applications for a variance wherein the applicant asserts the variance is needed due to circumstances unique to their property. Variances may only be issued upon a demonstration that they are warranted under the practical difficulties test. MN ST §462.357, Subd. 6. The applicant must address and demonstrate they meet each of the three prongs of the practical difficulties test. Often, however, these are not substantively and fully addressed in a manner sufficient to allow a finding by the Board of Appeals and Adjustments, (city council), to acceded to the request.

The Practical Difficulties Test

- 1) The Third Prong of the practical difficulties test - *that the variance, if granted, will not alter the essential character of the locality* - is the easiest bar.

Essential character is a broad concept. Commonly sought reasons for a variance application - additional hard-cover or the construction of a new bedroom or garage - are seldom seen as altering the essential character of the locality.

- 2) The First Prong of the practical difficulties test – *that the property owner proposes to use a property in a manner reasonable* – can be a hurdle.

The applicant must demonstrate that their *proposed manner of use* of a property is a reasonable one. This can often be supported by facts and argument that the proposed use is, for example, common and accepted in residential areas. However, the more unique the planned manner of use, the more likely reasonableness of the proposed manner of use will be disputed.

- 3) The Second Prong of the practical difficulties test - *that the plight of the landowner is due to circumstances unique to the property not created by the landowner* – is the most problematic.

Almost all property improvements follow on a personal election of the applicant-property owner. It is hard to argue that a proposed addition is not due to circumstances unique to the property and not created by the property owner. When considered as a matter of “need” vs. “want”, meeting the test becomes difficult. Still, there are situations where drainage, lot dimension, or topography conflict with an otherwise reasonable proposed manner of use and give rise to a plight truly related to the land and not created by the landowner. Too often a variance application is justified based on pre-existing as-built placement or size of the home which is unrelated to the property itself. If strictly applied, the Second Prong of the test might block many variance applications.

Variances and Time Limiting Conditions

A variance is a special law issued through a quasi-judicial/quasi-legislative process. They are an adjudication of specific facts and applicable law and, when granted, become the controlling zoning law of a given property. A variance runs with the land and to the benefit of the owners, their successors, and assigns. Because a variance represents an adjudication and issuance of a special law, they cannot be rescinded and are also not subject time limits or sunset provisions. For these reasons the variance process does not work as a vehicle to permit a use on a short or fixed term basis.

Conditional Use Permits and Time Limiting Conditions

Zoning codes group uses deemed compatible and list specific uses permitted in each zone. Those not listed are not permitted. The code must be first amended to include a desired use before it may be permitted. Some uses may be characterized as *conditional permitted uses*. Because these uses are considered compatible with a given zone, they are deemed a permitted use, but subject to conditions. Provided the special conditions imposed by the council in the public interest are met, when issued, the property may then be employed for the permitted activity/use. Once issued, the CUP must be filed of record in the office of the County Recorder. If activity allowed under a CUP is not conducted for a year the city can consider the use permitted under the CUP abandoned and the permit null and void.

A conditional use permit is considered a grant of specific property rights which run with the land. They transfer with the deed and are not the personal property of the individual applicant-owner. Unlike variances, which address bulk and area regulations, CUP's address the permitted *manner of use* of a property, and hence personal conduct and activity. As such they are subject to continued monitoring and changes in circumstances which may necessitate municipal review. Because the enabling statute states "nothing in this section [462.3595] shall prevent the municipality from enacting or amending official controls to change the status of conditional uses", the city can enact code changes that may impose additional regulations on a conditional permitted use. The city may delete from its code any conditionally permitted use, but doing so does not terminate a previously issued CUP. The grandfathered legal use rights thereto would continue.

The enabling statute addresses *duration* of CUP permits, advising a CUP "shall remain in effect as long as conditions agreed upon are observed. The statute imposes an obligation on the City to adopt standards and criteria that would define under what circumstances a CUP might be limited in duration or conditioned to expire if continuing performance of stated standards of conduct cannot be met. Therefore a CUP may sunset when agreed with the applicant as permitted by code.

Under the Greenwood Zoning Code, the R1-A, R1-B, R1-C and R2 Districts have few listed conditional permitted uses: public utilities, in-ground and at-grade swimming pools, uses mandated by State Statute, and churches and synagogues. Given this limited menu CUP applications are not frequently considered. When they are presented, the council applies the general standards and criteria found at Section 1150. In the unique situation of the Old Log Theatre - a legal non-conforming use - CUPs are employed to manage any *change in the manner of use* related to the Authorized Use of the theatre. In addition to the scope of conditions found in Section 1150, a special set of additional conditions applicable to theater CUP applications is set forth at Section 1123.40. Under present code, the CUP process may not be used for the grant of permission to *expand* theatre operations.

One could anticipate the need for a time-limited CUP's for particular types of permitted property uses.

The Americans with Disabilities Act (ADA)

The Americans with Disabilities Act applies to government, as well as private business. It requires business to provide physical accessibility to existing buildings and it requires a government and business work to remove barriers that deny individuals with disabilities equal opportunity and access to jobs, public accommodation, government services, public transportation, tele-communications and by extension, reasonable use of commercial and residential properties. The Minnesota Human Rights Act grants similar rights.

In the past, the City has received requests for a variance to construct a handicap ramp to access a residence. Most often, this has involved a variance to encroach upon the required front or side yard setbacks. Greenwood has granted these variances upon a finding that the proposed manner of use was reasonable, will not alter the essential character of the locality, and that the plight of the owner was due to circumstances not created by the owner, but due to existing constraints relating to lot size and red-lined lot area (yard setback) regulations. These grants have also specifically stated that they are being issued as a reasonable accommodation required under the ADA.

These ADA-related variances, once granted, also run with the land. Again, because they are variances, they do not, and cannot, have a sunset provision and no requirement that the authorized improvement be later removed. While it is not possible to require an ADA access ramp be later removed, as a practical matter, in the absence of need, the structure likely will be removed.

ADA Conditional Use Permits

As discussed, duration or time-limited conditional use permits are allowed by state statute, provided the conditions for the imposition of time-limiting conditions are set forth in the code. They may not be crafted by the council ad hoc on a case by case basis. The range of possible conditions, enforcement provisions, and circumstances supporting a time-limited CUP must be adopted as an amendment of the code. Conditions mandating future removal of physical improvement when no longer needed would be set forth in the code, and include the right to demand proof of continuing need, removal or demolition, and court order for specific performance through District Court action.

Recommendation

The city should consider whether it would benefit by the addition of ADA related conditional uses to the code. The code amendment would not need to define each possible need or accommodation. It would merely need to indicate conditional use permits may issue to provide for reasonable accommodations, including necessary physical improvements, to provide for the needs of eligible persons under the ADA, subject to periodic proof of continuing need and/or time limit by agreement.



Agenda Number: 7A

Agenda Date: 02-03-16

Prepared by Deb Kind

Agenda Item: Discuss Drafts of Drainage Easement Agreements

Summary: The city council directed the city attorney and Councilman Bill Cook work on revising the drafts of the drainage easement agreements for the area between the Newman and Larson properties and to create the foundation for future easement agreements. The drafts of the updated agreements will be sent to the city council via email and hard copies will be available for discussion at the 02-03-16 city council meeting.

Council Action: No action required. Potential motions ...

1. I move the city council approves the drafts of the Newman and Larson drainage and utilities easement agreements with the appropriate legal descriptions inserted and authorizes the mayor and city clerk to sign the documents on behalf of the city.
2. I move the city council (1) approves the drafts of the Newman and Larson drainage and utilities easement agreements with the appropriate legal descriptions inserted; (2) directs the following additional revisions:
 - A. _____
 - B. _____(3) authorizes the mayor and city clerk to sign the documents on behalf of the city.
3. Do nothing or other motion?

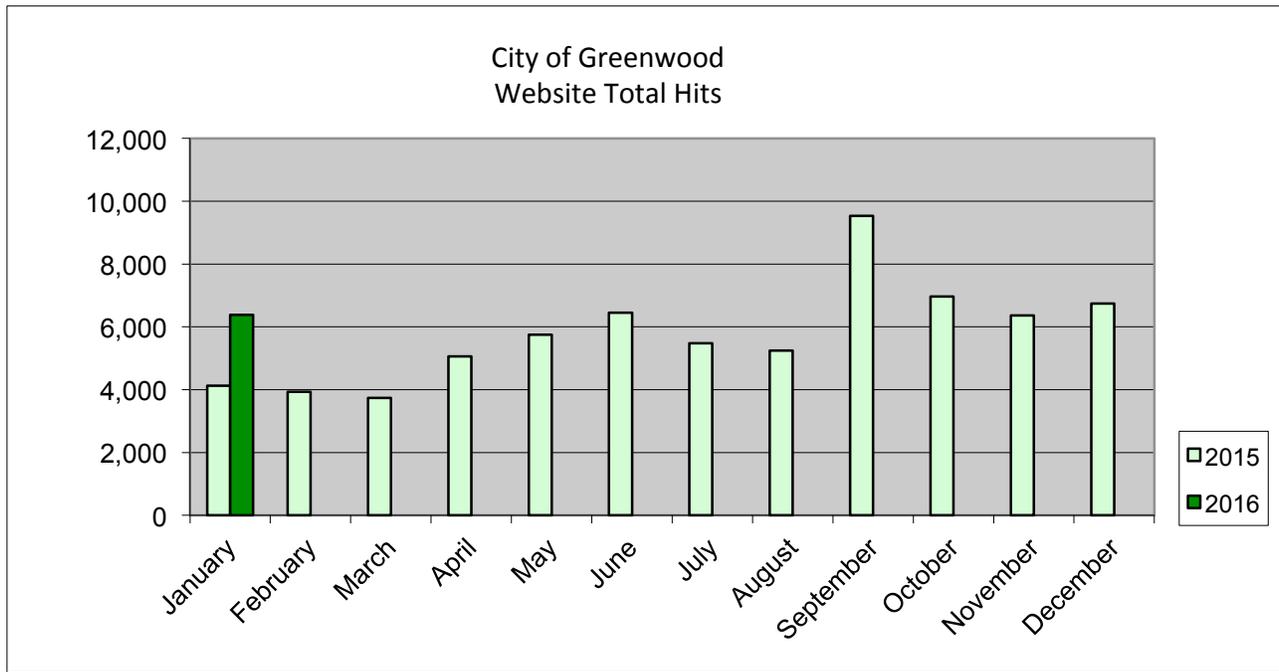


Agenda Number: **9A-E**

Agenda Item: Council Reports

Summary: This is an opportunity for each council member to present updates and get input regarding various council assignments and projects. Related documents may be attached to this cover memo.

Council Action: None required.



Month	2015	2016	Variance with Prior Month	Variance with Prior Year	Bulk Email List
January	4,123	6,382	-360	2,259	156
February	3,928		-6,382	-3,928	
March	3,732		0	-3,732	
April	5,058		0	-5,058	
May	5,753		0	-5,753	
June	6,448		0	-6,448	
July	5,481		0	-5,481	
August	5,249		0	-5,249	
September	9,532		0	-9,532	
October	6,969		0	-6,969	
November	6,362		0	-6,362	
December	6,742		0	-6,742	
AVERAGE	5,781	6,382			

Gray indicates estimated numbers (average of month prior and month after)

POPULATION: 693
EMAIL ADDRESSES % OF POPULATION: 22.51%

Population source: www.metrocouncil.org, Data & Maps, Download Data, Population and Household Estimates
 Population figure updated: 04.23.15

Site Statistics

Use this reporting tool to see your site statistics for your public site for this month or the previous month. Statistics for the Administration (or "admin") side of your site are not included in this report. Additionally, visits you make to your own site while administering it are not included in these statistics. All data collected before the previous month has been purged from our system and is not available for use; therefore, we recommend printing this report each month for your records.

The first report - Page Views by Section - shows total page views for each section. The second report - Unique Visitors by Section - shows the total page views for each section without the return visitors (showing only views from unique IP addresses). For example, if you browse to a page today, and then browse to that same page tomorrow, your viewing of that page would only be counted once in the unique (second) report.

Each report lists sections in page view order (highest number of page views first) and only lists sections that have had traffic within the reporting period. It does not list those sections without traffic.

Begin Date

End Date

Report Name

Page Views by Section

Section	Page Views	Percent of Total
Default Home Page	2785	43.64%
Agendas, Etc.	535	8.38%
Planning Commission	258	4.04%
Mayor & City Council	231	3.62%
City Departments	178	2.79%
Code Book	176	2.76%
Welcome to Greenwood	139	2.18%
Photo Gallery	128	2.01%
Assessments & Taxes	126	1.97%
Budget & Finances	124	1.94%
Forms & Permits	114	1.79%
Garbage & Recycling	110	1.72%
RFPs & Bids	109	1.71%
Comp Plan & Maps	93	1.46%
Spring Clean-Up Day	90	1.41%
What's New?	90	1.41%
Lake Minnetonka	84	1.32%
Public Safety	73	1.14%
Meetings on TV	70	1.1%
Crime Alerts	68	1.07%
Animal Services	65	1.02%
Links	65	1.02%
Meetings	63	0.99%
Old Log Events	58	0.91%
Trees	55	0.86%

Quick Tips

The reports offered in your Site Statistics tool only track activity on the public side of your site.

In each report, a section named "Default" and a section named "Home" may appear.

A page view gets attributed to "Default" when a visitor to your site types your URL into his or her Web browser. In most cases, the "Default" section is your Home Page.

A page view gets attributed to "Home" each time a visitor clicks the "Home" button on your Web site.

In the Page View (Default) report, only sections with Web traffic are reported and they are listed in page view order.

In the Page View by Section report, sections are listed in the order they appear in the navigation menu and are reported regardless of their traffic level.

In the Referrers report, it is important to remember that your own site acts like a referrer. So, don't be surprised if you see your own Web address(es) listed -- this tracks the number of times people went from one part of your site to another.

Elections	53	0.83%
St. Alban's Bay Lake Improvement District	52	0.81%
Watercraft Spaces	52	0.81%
Parks & Trails	49	0.77%
Swiffers NOT Flushable	47	0.74%
Email List	43	0.67%
Southshore Center	43	0.67%
Smoke Testing	41	0.64%
Well Water	41	0.64%
Community Surveys	39	0.61%
Search Results	27	0.42%
---	6	0.09%
Unsubscribe	2	0.03%
TOTAL	6382	100%

Unique IPs by Section

Section	Unique IPs	Percent of Total IPs
Default Home Page	788	26.85%
Agendas, Etc.	189	6.44%
Mayor & City Council	128	4.36%
City Departments	124	4.22%
Planning Commission	117	3.99%
Welcome to Greenwood	95	3.24%
Code Book	90	3.07%
Photo Gallery	82	2.79%
Assessments & Taxes	72	2.45%
What's New?	67	2.28%
Comp Plan & Maps	66	2.25%
Garbage & Recycling	65	2.21%
Forms & Permits	62	2.11%
Budget & Finances	60	2.04%
Crime Alerts	56	1.91%
Public Safety	55	1.87%
Lake Minnetonka	55	1.87%
Animal Services	53	1.81%
Spring Clean-Up Day	52	1.77%
RFPs & Bids	50	1.7%
Links	47	1.6%
Meetings	46	1.57%
Old Log Events	42	1.43%
St. Alban's Bay Lake Improvement District	42	1.43%
Elections	40	1.36%
Meetings on TV	40	1.36%
Email List	40	1.36%
Swiffers NOT Flushable	40	1.36%
Watercraft Spaces	38	1.29%
Trees	37	1.26%
Southshore Center	36	1.23%
Parks & Trails	36	1.23%
Smoke Testing	35	1.19%
Community Surveys	35	1.19%
Well Water	33	1.12%
Search Results	15	0.51%
---	6	0.2%
Unsubscribe	1	0.03%
TOTAL	2935	100%



Agenda Number: **FYI**

Agenda Item: FYI Items in Council Packet

Summary: The attached items are included in the council packet for the council's information (FYI) only. FYI items typically include planning commission minutes and other items of interest to the council. When the agenda is approved at the beginning of the meeting, any council member may request to move an FYI item to the regular agenda for further discussion. Moved items will be placed under Other Business on the agenda.

Council Action: No council action is needed for FYI items.

**GREENWOOD PLANNING COMMISSION
WEDNESDAY, JANUARY 20, 2016
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 Kristi Conrad, David Paeper, Douglas Reeder, and Fiona Sayer

Absent: Commissioners Lake Bechtell and Rick Sundberg

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

2. MINUTES – December 16, 2015

Commissioner Conrad requested two changes to the minutes. Conrad said that she wanted to include her response to Old Log Theater owner Greg Frankenfield in the second paragraph from the bottom of page 1. In that response she said that “No solution should be immediately taken off the table.”

Conrad also wanted to point out that in her statement at the bottom of page 3, it reads that “She said that she feels that these problems could be solved.” Conrad said that this does not capture what she was trying to say and that the statement should be reworded to say, “She said that she feels that these problems could be solved, but not within the constraints of this Conditional Use Permit request.”

Commissioner Conrad moved to approve the minutes of November 18, 2015 as amended. Commissioner Reeder seconded the motion. Motion carried 5-0.

3. PUBLIC HEARINGS

3a. Consider Variance Request and Conditional Use Permit Request of Mark D. Williams Custom Homes for PID No. 26-117-23-24-0030 (address unassigned, in the vicinity of 216XX Fairview)

Chairman Lucking introduced the agenda item. Lucking said that Mark Williams, of Mark D. Williams Custom Homes, is working with Nora Rottier to build a new house at 216XX Fairview and that the property is an existing lot of record within the R-1A zoning district.

Lucking said that Section 1140:19(5) of the Zoning Ordinance states that any elevation increase or decrease of more than 2 feet in any area greater than 300 square feet requires a variance and that Section 1140:19(2) of the Zoning Ordinance requires a conditional use permit for grading that impacts more than 200 square feet of surface area, and more than 20 cubic yards of soil volume.

Chairman Lucking opened the public hearing.

Mark Williams, applicant, said that he is the builder for the owners and that he wanted to introduce himself and make himself available for questions. He said that the Rottier family, who are building the house, are also here and available to answer any questions. He said that since the property has never had a house on it before, any house that they would build would require some kind of variance simply because of the topography and the shape of the lot. He said that he was trying to alter the property as little as possible to make the site work.

Councilmember Cook asked a question about the rear elevation. Williams said that it was originally going to be a walkout lower level, but that to minimize the grade change, they made it a lookout instead.

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Chairman Lucking asked about the regrading for the driveway in the front. Williams said that the driveway had a 2% slope, which was as flat as possible to allow water to run off the driveway, versus 6% to 8% of a more typical driveway.

Commissioner Conrad asked about the 3,184 square feet of land disturbance. Cooney said that that number came from the hardcover footprint of the property, and that is the area that will be disturbed. Williams said that they are bringing very little dirt onto the site.

Conrad asked about the drainage, and said that that area of the trail behind the property is the worst part of the trail in terms of drainage. Williams said that they can take a look at that area with his landscape contractor. He said he was proposing to plant trees and provide other landscaping in that area that might help. Conrad said that in the spring, the whole trail is usually under water.

Commissioner Paeper asked if any underground storage was planned. Williams said that none was planned.

Kimball Anderson of 21580 Pineview Court, said that he has been a resident of Greenwood for 25 years and that he lives just across the trail from the property. He said that this is a very unique area, and serves as a passageway for a diverse array of migrating birds. He said that as the city grows, we need to be cognizant on the impacts on the wildlife in the area. Lucking said that the tree removal remains under what is allowed by city code and will be confined to the area immediately impacted by the house. Lucking said that the berm area on the lot will remain as wooded as it is today.

Chairman Lucking closed the public hearing.

Councilmember Cook said that he has two concerns about the proposal, but that he thought that both concerns were solvable. He said that his first concern was with the retaining wall near the west edge of the property near the driveway. He said that the retaining wall blocks the drainageway and that he wants to ensure that blockage doesn't restrict the natural drainage or cause the water to move onto an adjacent property. Cook said that his other issue is related to the low spot in the rear at 952'. He said it could possibly drain to the next property to the west, and he wants to ensure that it continues to towards the rear of the house. He said that he did not want to change the existing path of the stormwater. Cook said that with the 2 foot contours is it unclear what is happening between the contours.

Mark Williams said that the 953.5 elevation that is circled is the top of block at the rear of the house, and not a new elevation for the rear of the property. Councilmember Paeper asked what the difference was between finished grade and finished floor in the back of the house. Williams said that the lowest floor elevation is 950.7. Paeper said that there will be about three feet of soil at the back of the house above the lowest floor elevation.

Councilmember Paeper asked about the retaining wall at the berm. Williams said that the goal is to touch the berm as little as possible. Paeper said that the top of the wall looks to be below the grade of the berm, and that the wall will likely need to be a little bit higher than what is shown.

Councilmember Paeper asked about tree removal, and what the number shown on the tree survey meant. Zoning Administrator Cooney said that number represented non-noxious trees proposed to be removed. Councilmember Conrad asked if there was a plan to replace any of the trees removed. Williams said that they will do screening and evergreens to the west and the trail side, but that the landscape plan is not complete. Conrad said to be mindful of the species when replanting, since the area has been undisturbed for so long.

Conrad asked about the mailboxes on the rear of the berm. Williams said that is a detail that has not been determined yet.

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Councilmember Paeper said that the hardcover calculations on the survey do not include the driveway and the steps. Williams said that he would revise that for the City Council. Paeper asked about the topographic information that was not certified by the surveyor. Williams said that the topography was provided by the seller from a survey that was done a month earlier, and those survey contours were used. He said that was the same survey that the tree inventory came from. Paeper said that the other survey should be included as an attachment for the City Council packet.

Councilmember Paeper made a motion to approve the grading conditional use permit request of Mark D. Williams Custom Homes for PID No. 26-117-23-24-0030 (address unassigned, in the vicinity of 216XX Fairview) as presented. The motion was conditioned that a) the hardcover calculations shall be updated to include the driveway and steps, b) applicant shall make revisions to the area near the retaining wall on the west side of the property to allow for the drainageway to function properly, and c) applicant shall verify with grading or drainage details that there will be no additional water existing on the west side of the property in the vicinity of the 952' contour on the southwest corner of the house. Motion seconded by Conrad. Motion carried 5-0.

Councilmember Paeper made a motion to approve the variance request of Mark D. Williams Custom Homes to increase or decrease the existing elevations on the property by more than 2 feet in an area greater than 300 square feet for PID No. 26-117-23-24-0030 (address unassigned, in the vicinity of 216XX Fairview) as presented. The motion was conditioned that a) the hardcover calculations shall be updated to include the driveway and steps, b) applicant shall make revisions to the area near the retaining wall on the west side of the property to allow the drainageway to function properly, and c) applicant shall verify via grading or drainage details that there will be no additional water existing on the west side of the property in the vicinity of the 952' contour on the southwest corner of the house. Motion seconded by Conrad. Motion carried 5-0.

4. NEW BUSINESS

Discuss: Variance Practical Difficulty Standards

Councilmember Cook said that a conversation related to variance practical difficulty standards item was on the January City Council agenda, but that it was tabled. Cook said that if the Planning Commission members have any thoughts or concerns about the practical difficulty standard they should e-mail him.

Commissioner Conrad said that she did have concerns with the 21795 Minnetonka Boulevard variance at the time because she felt like they could have built a garage within the setbacks. Cook said that he felt, in that case, there was a difference between doing something and doing it to modern standards.

Cook said that he wanted to have a high-level conversation about it. Chairman Lucking said that he believes the Planning Commission has been good about the requests being about the idiosyncrasies of the property and not the desires of the land owner.

Lucking said, back to the difference between doing something and doing it to modern standards, that there had been a request for an additional one-car garage on Greenwood Circle. At the time, it was suggested to the owner that they remove the one car garage on the bottom of the hill and build a two-car garage, instead of having two separate one-car garages. Conrad asked if the city was allowed to require tradeoffs. Lucking said that the city cannot require tradeoffs, but that the city can make recommendations about proposals that it believes would be successful.

City Attorney Mark Kelly said that the biggest challenge in the practical difficulty standard is that the situation is due to circumstances unique to the property not caused by the landowner. Kelly

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said that sometimes the voting body needs to be comfortable denying variances in the pressure of the moment.

Zoning Administrator Cooney said that he wants to be cognizant of precedent when approving variances, and that, all things being equal, similar applications would have similar findings and outcomes.

City Attorney Mark Kelly said that, while the city can't have time-limited variances, he is working on a memo regarding time-limited Conditional Use Permits. He said that something like this could work well for reasonable accommodations regarding ADA type of issues. Commissioner Reeder said that it would be difficult to have something like this removed.

Discuss: Draft Ordinance for Stormwater Management

Councilmember Cook introduced an item that was not on the agenda. Zoning Administrator Cooney circulated a draft ordinance related to stormwater management.

Cook said that currently the city requires contractors to submit their stormwater plan before they start construction, which he believes is too late. Cook said he would like the stormwater management plan to take place at the building permit application phase so that the city has time for adequate review.

Cook said that the proposed ordinance would require mitigation of stormwater to preexisting conditions. He said that the variance application reviewed earlier in the meeting had no existing hardcover, therefore, that property would be required to mitigate the change from 0% hardcover. He said that the requirement to mitigate would be for any expansion of hardcover, even if it was still below the current 30% hardcover restriction in the city. Cook said the draft ordinance would require either volume or rate mitigation for the expanded hardcover for a 2-inch rainfall event.

Cook noted that volume mitigation was relatively simple to calculate. He said that rate control requires more sophisticated calculations and will likely be beyond the means of most projects.

Cooney asked if Cook would consider an exemption for small reductions in hardcover. Cook said that he would be open to that idea if the exemption was for a very small area such as 10 square feet. He said that he would not want to see someone using the exemption to incrementally increase their hardcover.

5. LIAISON REPORT

Council Liaison Cook said that he did not have a liaison report beyond that which had already been discussed.

6. ADJOURN

Motion by Commissioner Paeper to adjourn the meeting. Commissioner Conrad seconded the motion. Motion carried 5-0. The meeting was adjourned at 8:13 p.m.

Respectively Submitted,
Dale Cooney - Zoning Administrator