

**GREENWOOD PLANNING COMMISSION  
WEDNESDAY, AUGUST 20, 2008  
7:00 P.M.**

**1. CALL TO ORDER/ROLL CALL**

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

Members Present: Chairman Lucking and Commission members John Beal, Tom Fletcher, David Paeper, H. Kelsey Page, Todd Palmberg and Mark Spiers

Absent: None

Others Present: Council Liaison Jeff Sagal, City Attorney Mark Kelly and Zoning Coordinator Gus Karpas.

**2. APPROVE AGENDA**

Zoning Coordinator Karpas said he was contacted by representatives from the Boathouse asking that their application be continued to the September 17<sup>th</sup> meeting.

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

**3. MINUTES OF July 16<sup>th</sup>.**

Commissioner Beal moved to approve the minutes of July 16<sup>th</sup>. Commissioner Paeper seconded the motion. Motion carried 5-0.

**4. LIAISON REPORT**

Council Liaison Sagal said the Council held the first reading on the proposed massing ordinance, which received positive comments from the public. He said the Council also asked the Planning Commission to review the tree ordinance to reconsider the need for a conditional use permit for tree removal within the required lake yard setback.

Chairman Lucking commented that he would like to suggest a change to the allowable height in the proposed massing ordinance and asked if the Commission could send a recommendation to the Council or would that delay the process. City Attorney Kelly said the Council can amend the ordinance as part of the second reading if they feel a change is necessary. Chairman Lucking said he would like to discuss this issue under new business. The Commissioners agreed.

**5. PUBLIC HEARINGS**

**VARIANCE/CONDITIONAL USE PERMIT – Metropolitan Council, 5290 Manor Road, (R1-A) Single Family Residential**, request for variances and a conditional use permit to place a permanent generator to serve the existing lift station. The variance

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requests are to place a permanent power generator and associated screening fence within the required front, side and rear yard setbacks and to exceed the maximum permitted impervious surface area. The conditional use request is to expand the existing public utilities use on the site.

Chairman Lucking summarized the request and opened the public hearing.

Karen Mossberg, Metropolitan Council, said she and Scott Dentz were available to answer any questions.

Commissioner Beal commented that a 55Db generator is pretty quiet. Ms. Mossberg said the Db level is what drove the size of the generator, noting the additional size is due to the buffering equipment. She said the generator was picked to meet the standard residential thresholds for noise. Beal asked if the generators would be exercised during daytime hours. Ms. Mossberg said they would in order to minimize neighborhood disruption.

Council Liaison Sagal noted the height of the generator would be nine feet, but the height of the fence would only be eight feet, exposing about one foot of the generator. Ms. Mossberg said the grade would be lowered about eight inches to help camouflage the generator, stating that fences over eight feet in height typically become a distraction and an eyesore.

Council Liaison Sagal said he was also concerned about the noise that would be generated and asked what has been considered to help deaden the noise. He suggested the addition of earthen berms. Ms. Mossberg said the large size of the generator is due to sound buffering equipment that would be attached to it and that they are designed for placement in residential neighborhoods.

Council Liaison Sagal asked what type of warning system would be attached to the lift station indicating failure. Mr. Dentz said there would be a direct relay to the Met Council's facility. Sagal asked if there would be an on-site visual warning system. Ms. Mossberg said there would not.

Commissioner Fletcher asked if the generator would be run during peak hours or if they would be limited by agreements he's heard about between the Met Council and Excel energy to help reduce power usage during peak hours. Ms. Mossberg said the generators have not been limited in recent history, but an agreement might be reached with Excel energy sometime in the future, but she's not sure.

Chairman Lucking asked if there is a change in when the generators are tested, would the city be notified and given an opportunity to reject the change. Mr. Dentz said that could be written into the Conditional Use Permit.

Commissioner Spiers asked if these types of generators have been used on other sites. Mr. Dentz said this is part of a project which will place thirty generators at Met Council's

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lift stations. He said this is one of the last ones to be installed. Spiers asked if there were any concerns about tampering noting the site is not secure. Mr. Dentz said the panels are secured. Ms. Mossberg noted that there has always been a lift station there and there haven't been any issues in the past with vandalism.

Commissioner Paeper asked if the fence would be the only screening from the street. Ms. Mossberg said there is a lot of existing vegetation and the plan would add additional plantings on the back side of the site.

The Commission discussed the fencing and the need for a variance. It was explained that the fencing would be replaced with a minor increase in length, but the height and style would remain the same.

Zoning Coordinator Karpas noted that the property directly abutting this site has a sixty foot conservation easement, meaning there would never be a structure built on the site.

City Attorney Kelly summarized the request stating that the setbacks, the increase in hardcover, the extension and height of the fence and the amendment of the Conditional Use Permit are a matter of public necessity removing the need for a clear undue hardship.

Chairman Lucking agreed stating that all surrounding properties benefit from the upgrade on the site.

**Action:**

Motion by Commissioner Page to recommend that the City Council approve the conditional use request to expand the existing public utility use and the variance requests of the required yard setbacks and to exceed the maximum permitted impervious surface area to place a permanent power generator and screening fence within the required setbacks and to exceed the maximum permitted impervious surface area, as presented at 5290 Manor Road. The proposed request is permitted as a conditional use in the zoning district, the proposed use is necessary to provide a service and the proposed use is not detrimental to health and safety of the surrounding area. Commissioner Beal seconded the motion. The motion carried 5-0.

**CONDITIONAL USE PERMIT - St. Alban's Boathouse, 21960 Minnetonka**

**Boulevard, (C-2) Lake Recreational,** request for a conditional use permit to replace the existing temporary signage on the property with new permanent signage.

The proposal is place a forty-four square foot roof sign located on the south portion of the building. The sign would be down lit, with a maroon background and white lettering reading "Castaways." The existing signage on the building was approved as part of a previous conditional use permit when the property was redeveloped. At that time, the applicant was granted an allowable sign area of 18 square feet on the structure.

Chairman Lucking reiterated that this request will be continued to the September 17<sup>th</sup> meeting.

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**6. OTHER BUSINESS**

**HEIGHT PROVISIONS** – Discussion on amending height provisions in the massing ordinance.

Chairman Lucking said he reconsidered the allowable maximum height in the proposed ordinance and determined he had made an error and that the proposed height would be too generous. He said an allowable height of 42' would be more appropriate for a grade to highest point measurement, not an average measurement.

The Commission discussed the proposed height language. Beal commented that an average height of 28' would be acceptable with an overall height allowance of 35'.

Commissioner Spiers asked if the height included in the ordinance was a typo. Chairman Lucking said it was not, rather it was a miscalculation on his part.

Commissioner Beal expressed concern that changing the provision after the first reading could delay the passage of the ordinance. If recommending this change would do so, he would rather have the Council act on the ordinance as written and the Commission recommend the change at a later date.

**Action:**

Motion by Commissioner Lucking to recommend that the City Council amend the height provision in the proposed massing ordinance reducing the permitted overall height of 42' to 35'. Commissioner Spiers seconded the motion. The motion carried 4-1. Commissioner Page voted against the motion.

Discussion: Commissioner Page said he has issues with changing the ordinance once the public hearing has been held. He feels the public should be made aware of any substantial change in the ordinance. Commissioner Beal clarified Page's position that the ordinance proceed with the 42' height requirement. Page said that was correct.

**Action:**

Motion by Commissioner Beal to rescind the previous motion made by the Commission to amend the height provisions in the proposed massing ordinance. Commissioner Page seconded the motion.

There was no official action taken on the motion.

City Attorney Kelly said it was within the Commission's power to recommend the Council amend the ordinance.

Commissioner Spiers feels it's important that the Council be aware of the Planning Commissions intention to change the height provision.

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Council Liaison Sagal feels the first motion made by the Commission was correct, especially if the Commission feels the change is important.

City Attorney Kelly said the Council can make changes at either the first or second reading of any ordinances stating that the public hearing is held to discuss general concepts of an ordinance, while the specifics of an ordinance is determined by the Council.

**ORDINANCE AMENDMENT** – Discuss amendment of Section 1140:80; Tree Preservation.

Zoning Coordinator Karpas said he was asked to bring the Tree Preservation ordinance in front of the Commission to discuss potential amendment of the ordinance as it pertains to the requirement of a conditional use permit to remove a tree within the required lake yard setback.

Commissioner Page said that the reason the tree ordinance and conditional use permit requirements dovetail is because the shore impact area is very delicate with old stands of trees with root systems that transcend property lines. He feels it is very important that the city have a review process whenever a tree in this area is removed and the fee covers the time and expense to review the request. He believes it is in the public interest to review such requests because of the potential adverse impact on property values and general character the surrounding vicinity. He said the ordinance serves a clear purpose that was established through a long process during the development of the ordinance. He doesn't believe that one person's opposition to the fee outweighs the importance of the provision.

Commissioner Fletcher asked how many requests has the city received for a Conditional Use Permit to remove such trees. Zoning Coordinator Karpas said there have been none. Fletcher said it doesn't seem to generate a lot of funds for the city, but sets a good policy.

Chairman Lucking said he's heard the argument that people would forgo the process and just remove the tree. Commissioner Page said that would be a violation of the ordinance and the appropriate fines would be levied.

Commissioner Spiers said tree preservation takes on broader issues. He asked about how the city addresses diseased trees, even those that straddle property lines. Council Liaison Sagal said the issues related to diseased trees is covered in the ordinances.

Zoning Coordinator Karpas said there are some weaknesses in the ordinance, such as the lack of licensing requirements for tree trimmers and an actual permit application. He described how other cities regulate tree removal and felt the City of Greenwood should revisit the ordinance in that sense and make it stricter.

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Commissioner Spiers added that there should be a provision exempting trees of certain diameters from being included in the permitted tree harvest. He feels the removal of larger trees should be reviewed by the city and should require a Conditional Use Permit.

Commissioner Fletcher noted that the conversation is going opposite of the direction sought by the Mayor and that it appears the Commission would like to become more restrictive on the removal of trees. He feels there should be further discussion at future meetings on this issue.

Chairman Lucking agreed. He said the weaknesses need to be addressed in the ordinance and that the initial request is irrelevant since there does not seem to be support for the amendment.

Commissioner Beal supports a licensing requirement and would also like tree trimmers to be required to acknowledge awareness of the sign ordinance.

City Attorney Kelly said licensing may be beyond the purview of this Commission, but addition to or amendment of the Conditional Use provisions are not.

Commissioner Spiers asked about the rationale for measuring diameter four feet above grade. City Attorney Kelly said he's not sure the origin but that it's the method used by other cities.

It was decided that this issue would be placed on the September agenda and that staff would provide copy of Woodland's ordinance.

**7. PLANNING COMMISSION LIAISON**

Commissioners Fletcher and Spiers will serve as the Planning Commission Liaisons at the September 2<sup>nd</sup> City Council meeting.

**8. ADJOURN**

Motion by Commissioner Page to adjourn the meeting. Commissioner Paeper seconded the motion. The meeting was adjourned at 8:15 p.m.

Respectively Submitted  
Gus Karpas - Zoning Coordinator