

GREENWOOD PLANNING COMMISSION
WEDNESDAY, JANUARY 16, 2008
7:00 P.M.

1. CALL TO ORDER/ROLL CALL

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

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

Absent: None

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

2. APPROVE AGENDA

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

3. MINUTES OF December 19th.

Commissioner Beal moved to approve the minutes of December 19th. Commissioner Spiers seconded the motion. Motion carried 5-0.

4. LIAISON REPORT

Council Liaison Sagal said the Council accepted the recommendation of the Planning Commission and appointed David Paeper as a full voting member of the Commission.

The Council reviewed the Marhula request and unanimously approved the request to construct a new deck on an existing non-conforming footprint which encroached into the required lake and side yard setbacks.

The City Council also discussed the massing ordinance and there is a feeling that the Council wants to move the ordinance forward, which may require additional work sessions to discuss more details.

The last item of discussion was the civil defense siren. It appears the location may be moved closer to Minnetonka Boulevard to be more effective.

5. PUBLIC HEARINGS

DRAFT COMPREHENSIVE PLAN – Recommendation to the City Council on the adoption of the draft Comprehensive Plan.

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Zoning Coordinator Karpas the Planning Commission has had the opportunity to review the Comprehensive Plan and now needs to make a recommendation to the City Council on how to proceed.

The Commission discussed the plan and agreed there were no glaring changes, though Chairman Lucking noted the passage of time has rendered some portions of the plan irrelevant.

City Attorney Kelly said when reviewing plans such as this, the Planning Commission has to consider whether there may be areas in the city that could experience significant changes over the next decade or so. He said the City of Greenwood is pretty much set in terms of its zoning and land use and future decisions on issues such as massing have no impact on the Comprehensive Plan.

Chairman Lucking opened the public hearing. Hearing no comment, Chairman Lucking closed the public hearing.

Chairman Lucking raised the issue that there may be some discrepancies when it comes to the zoning map. City Attorney Kelly said those have been addressed by the Zoning Ordinance.

Commissioner Spiers asked if there were any issues with the city's park lands. City Attorney Kelly said parkland areas in the city are very limited, but there have been discussions in the past on how to handle the city's fire lanes. It was determined a number of years ago that the city would retain ownership of these properties and regulate them.

Action:

Motion by Commissioner Beal to recommend that the City Council adopt the Comprehensive Plan with no additional changes. Commissioner Page seconded the motion. The motion carried 5-0.

6. OTHER BUSINESS

RESIDENT REQUEST – Request by Robert Schmitt Jr. for ordinance amendments amending Sections 1130 and 1140 of the Zoning Ordinance to permit licensing businesses to use drive-up windows and to permit direct access onto Excelsior Boulevard.

Zoning Coordinator Karpas said that the applicant is seeking the ordinance amendments so he could follow through with his proposal to construct a new commercial structure at 21550 State Highway 7.

City Attorney Kelly verified that this was a requested action from a resident, which requires the Planning Commission to hold a public hearing. He said this process will exceed the permitted sixty day period and the city should inform the applicant that it would extend the sixty day period, by an additional sixty days as permitted by the State Statutes.

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Zoning Coordinator Karpas asked if since it was a request by a resident, is it the resident's responsibility to provide the Commission with specific language or is the presentation conceptual in nature. Kelly said the applicant must bring their specific changes for consideration. Karpas said he would work with the applicant to develop language for the Commission to review.

The Commission discussed the idea of permitting access onto Excelsior Boulevard. Commissioner Page said he would support the idea due to that natural terrain of the residential properties across from the subject property, which slopes upward.

Commissioner Beal said he had no real issues with allowing access though he is very concerned with the use of the property, which could affect his decision. He doesn't feel it would be appropriate to permit a high volume business, such as a fast food establishment, which would create a great deal of additional traffic on Excelsior Boulevard. He stated that the existing intersection at Christmas Lake Road is really a mess and difficult to access.

Chairman Lucking discussed his concerns regarding the potential of a drive lane that would loop the building creating potential on-site back-ups that could spill out onto Excelsior Boulevard. He said there are certain types of businesses that could negatively impact the roadway.

Robert Schmitt, 21550 Excelsior Boulevard, informed the Commission that his property does have access off the frontage road to Highway Seven for those wishing to go west. He felt this might diffuse some of the potential issues.

Zoning Coordinator Karpas said there are some options for amending the ordinance, one being that since this is the only commercial property without access to Excelsior Boulevard, the Commission could delete the language prohibiting access. Commissioner Paeper said he would be hesitant to totally remove the language and would rather create language giving the city the ability to place conditions on access, which would require clarification on potential uses of each property and traffic studies to gauge potential usage.

Commissioner Spiers said he has some concerns regarding retail uses due to their need for high visibility. He would want to minimize the impact on the adjacent residential uses, which includes traffic, signage and other issues such as placement of the dumpsters.

Commissioner Palmberg raised concern about allowing businesses to have uncontested direct access to Excelsior Boulevard. He noted that the existing access points might change if the ordinance language is deleted. He would like to see city review and the imposition of conditions for any new access points or alterations of existing access points.

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The Commission directed staff to publish notice of public hearing for the proposed ordinance amendments. They will review the applicant's request at their February 20th meeting.

7. OTHER BUSINESS

Commissioner Beal raised the issue of the massing ordinance. He discussed some thoughts he had on simplifying the ordinance by using a volume measurement of a structure as opposed to applying the Effective Floor Area measurement. He said this process would be easier to explain and would permit property owners to conduct their own measurement with minimal explanation. He suggested the Commission consider asking the Council to return the ordinance to the Planning Commission so it could be redrafted to reflect this change in methodology.

The Commission discussed the ideas raised by Beal. Commissioner Paeper said there may be a flaw in volume measurement on larger lots where the property owner constructs a low-lying house but increases the footprint area to maximize their size. City Attorney Kelly said a volume measurement may inadvertently create a situation where home styles are limited, since people would try to maximize their volume, leading to the potential of more flat roofed structures. Beal commented that both of these issues could also occur using the Effective Floor Area method.

Commissioner Beal said issues like that could be addressed through the city's height restrictions. He said he supports the method proposed in the massing ordinance for measuring height.

Commissioner Spiers said he was open to the idea of revisiting the ordinance and noted that the greatest amount of concern from residents regarding the ordinance centered on its perceived complexity.

Council Liaison Sagal said it would be helpful for the Council, in considering sending the ordinance back, if a number of practical examples could be presented showing the differences in the measuring processes and a clear understanding that the change would continue to regulate massing in the manner the city seeks.

The Commission discussed how Commissioner Beal's thoughts would impact structures with more complicated roof structures. Beal said the measurement process would become more complicated the more complex a roof structure became just as it does using the Effective Floor Area method.

Commissioner Spiers asked about the process necessary to bring the ordinance back to the Commission and whether there would be additional provisions, such as height revisited in this second review. City Attorney Kelly said the ordinance language would need to be redrafted as part of the process and there may be issues such as height discussed to address the potential ramifications in changing of measurement process.

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Chairman Lucking said he has worked on the issue of height and has determined a maximum height of thirty-eight feet, as measured from the top of foundation to the peak of the roof would be an appropriate standard. He discussed the process he used to reach his conclusion.

Commissioner Spiers asked about the Council's willingness to send the ordinance back to the Commission. Council Liaison Sagal said the Council is looking to move ahead with the ordinance, but in a cautious manner. They want to make sure its being done properly and fairly. He said he can't speak for the other members of the Council, but he would be willing to listen to the request from the Commission. He reiterated that practical examples would be helpful to the Council in making a decision.

Mayor Newman said he would be receptive to a more simple process. He understands that the simplicity of the process becomes more complex as a structure becomes more complex, which he thinks is fair. He noted the measurement method is only one part of the ordinance and said the establishment of the actual numbers is the crux of the ordinance and also the most difficult to determine. He suggested that the Council Liaison present the Commission's request to the Council.

Action:

Motion by Commissioner Spiers requesting that the City Council remand the massing ordinance back to the Planning Commission for further review and redrafting, with a date certain for a recommendation to the Council on its passage. Commissioner Beal seconded the motion. Assuming the Council agrees, Commissioners Beal, Fletcher and Spiers agreed to form a sub-committee to draft a revised ordinance. The motion carried 5-0.

8. PLANNING COMMISSION LIAISON

Commissioner Beal will serve as the Planning Commission Liaison at the February 6th City Council meeting.

9. ADJOURN

Motion by Commissioner Beal to adjourn the meeting. Commissioner Spiers seconded the motion. The meeting was adjourned at 8:45 p.m.

Respectively Submitted
Gus Karpas - Zoning Coordinator