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**AGENDA
GREENWOOD PLANNING COMMISSION**

Date: Wednesday, May 13, 2020
Location: Deephaven Council Chambers, 20225 Cottagewood Road
Time: 7:00 PM

1. CALL TO ORDER – ROLL CALL – APPROVE AGENDA
2. MINUTES OF REGULAR MEETING
 - a) March 11, 2020
 - b) April 8, 2020 – meeting canceled
3. PUBLIC HEARINGS
 - 3a. Consider the variance request of Rane Jacobus to exceed the side yard setback requirement for the placement of an air conditioning unit for the property located at 5290 Meadville Street.**
 - 3b. Consider an amendment to the Conditional Use Permit for Alvin E. McQuinn for grading at 4900 Meadville Street.**
 - 3c. Consider amending the zoning ordinance regarding construction hours.**
4. OLD BUSINESS
5. NEW BUSINESS
6. LIAISON REPORT
7. ADJOURN

Next City Council Meeting – Wednesday, June 3, 2020
Next Planning Commission Meeting – Wednesday, June 10, 2020

Greenwood Planning Commission
Wednesday, March 11, 2020
7:00 P.M.

1. CALL TO ORDER/ROLL CALL

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

Members Present: Commissioners Kelsey Nelson, Julie Getchell, and Council Liaison Kristi Conrad

Members Absent: Chairman Pat Lucking and David Steingas

Others Present: Interim Zoning Administrator Dana Young

2. MINUTES – Regular meeting of February 12, 2020.

Motion by Kelsey Nelson to approve the minutes as written. Motion was seconded by Kristi Conrad. Motion carried 3-0.

3. PUBLIC HEARINGS

3a. Consider the conditional use permit request of Kent Carlson (Greenwood Marina LLC), 21900 Minnetonka Blvd, to replace an existing monument sign with a new monument sign.

Section 1140.40 Subd. (3)(2) of the City Code states that “No sign shall be erected, altered, reconstructed, maintained or moved in the city without first securing a conditional use permit from the city in accordance with Section 1150 of the city ordinances.”

Dana Young introduced the agenda item and opened the public hearing. Hearing no comments, the public hearing was closed at 7:01 p.m.

Dana Young asked if there were any questions for staff regarding the application. Hearing none, Dana Young asked if there were any questions for Kent Carlson.

Kristi Conrad questioned the height of the new sign. She stated that it measures lower than the existing sign but appears to be taller.

Kent Carlson stated that the existing sign measures taller due to the height of the light, which is part of the sign.

Kristi Conrad expressed concern regarding the visibility of the stop sign behind the sign.

Kent Carlson stated that the stop sign is actually located on the trail, attempting to stop trail users at the driveway entrance. He stated that he annually notifies his customers to be cautious of trail traffic when entering his driveway and noted that most vehicles will be able to see over the sign.

There were no further questions of the applicant.

Dana Young stated that he received a call from Chairman Pat Lucking, who stated that there is no reason to deny this request and he is 100% in favor of the request since it is the replacement of an existing sign with a new improved monument sign.

Motion by Julie Getchall to recommend approval of a Conditional Use Permit to Kent Carlson (Greenwood Marina LLC) to replace an existing monument sign with a new monument sign at 21900 Minnetonka Blvd as proposed. Seconded by Kelsey Nelson. Motion carried 3-0.

4. OLD BUSINESS

4a. Appoint 2020 Chair & Vice-Chair

The appointment of the 2020 Chair & Vice-Chair was postponed until a later date.

5. NEW BUSINESS

There was no other New Business this evening.

6. LIAISON REPORT

Kristi Conrad provided a brief update on the progress of the lake yard landscaping and grading proposal at 21750 Bryon Circle. She stated that the applicant will be coming back with more plan details at the April 1st Council meeting.

Kristi Conrad stated that a letter of support has been sent by Mayor Kind to the Lake Minnetonka Conservation District in support of the Zebra Mussel Research Project.

7. ADJOURN

Motion by Kelsey Nelson to adjourn the meeting. Seconded by Julie Getchall. Motion carried 3-0. The meeting was adjourned at 7:18 p.m.

Respectively Submitted,
Dana Young – Interim Zoning Administrator



Agenda Item: Consider Variance Requests, Ranee Jacobus, 5290 Meadville Street

Summary: Ranee Jacobus is requesting a variance to install an air conditioning unit on the south side of her house which would encroach into the minimum required setbacks for air conditioning units.

Section 1140.20 of the Zoning Ordinance requires air conditioners and generators be located within five feet of the principal structure and five feet from any property line.

Background: On January 2, 2019, the City Council approved a variance to encroach 4.2 feet into the south side yard setback and a variance to encroach 4.1 into the north side yard setback. With the two approved variances, the new house is close to completion and is setback 3.9 feet from the north and south property lines, which prohibits the placement of an air conditioning unit without getting a variance for the five-foot setback requirement.

A single-family residence is located north of the subject property, while an office building is located south of the subject property. The applicant is proposing to place the air conditioning unit on the south side of the house to be sympathetic to the single-family property owner to the north (please see attached site plan).

To keep the air conditioning unit as close to the house as possible, the applicant has selected an air conditioning unit that has a small footprint at 37 inches wide and 17 inches deep (please see attached cut sheet).

Variance Review Criteria

Minn. Stat § 462.357, subd. 6(2) requires the City's Board of Appeals and Adjustments evaluating a variance request to make the following inquiries:

- 1) ***Is the variance in harmony with the purpose and intent of the ordinance?***
Staff Comment: The applicant has selected a narrow air conditioning unit to keep the encroachment to a minimum and is proposing to place the unit away from the single-family residence to the north. Thus, the variance request is minor and remains in harmony with the purpose and intent of the ordinance.
- 2) ***Is the variance consistent with the comprehensive plan?***
Staff Comment: The request is consistent with the Comprehensive Plan's Housing Elements Goals and Policies which encourage residents to maintain and/or modernize the Greenwood's housing stock
- 3) ***Does the proposal put property to use in a reasonable manner?***
Staff Comment: Placing an air conditioning unit on the side of a house is typical in Greenwood and is a reasonable use of this property.
- 4) ***Are there unique circumstances to the property not created by the landowner?***
Staff Comment: Yes. The house was designed and constructed without being able to place an air condition unit on any side of the house without the need of a variance.
- 5) ***Will the variance, if granted, alter the essential character of the locality?***
Staff Comment: No, the proposal would not alter the essential character of the locality. Air conditioning units are typically placed on the side of houses.

Please note that state statutes have determined that "economic considerations alone" do not create "practical difficulties."

Staff Recommendation for Variance Request:

Staff recommends approval of the variance request of Roland and Ranee Jacobus for a variance to encroach four feet into the south side yard setback in order to install an air conditioning unit for the new house at 5290 Meadville Street, as proposed.

Key Dates:

~~Application complete: April 3, 2020~~
~~Notice of Public Hearing published: April 8, 2020~~
Planning Commission Public Hearing: May 13, 2020
City Council Consideration: June 3, 2020
~~60-Day Deadline: May 22, 2020~~
120-Day Deadline: July 21, 2020

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).

To provide information: I have room on the North side of my property to install my AC without any further variance action from the City, but my neighbor has requested that I move it off the North side so it doesn't cause noise disturbance to his outside living area. I have already paid \$1,000 out of pocket to run another set of lines to the South side of the house to accomplish this (I had to do it before they drywalled and sided my house). I would like to make this move and be a good neighbor if the Planning Commission and City Council will allow me a an additional variance of 3'x3' pad on the South side of my property where shown on the attached survey.

Per the attached variance request, we see no reason why this should cause any issue with the South neighbor, as the commercial building is 40' from our shared property line and must maintain that distance via City code. In addition, a significant landscaping project is underway in that area, which will provide a total screen of my whole property from the commercial building, thus hiding the AC unit and buffering any noise. Any suggestions to move the unit farther to the East is not acceptable for a number of reasons: 1) I would still need a variance; 2) it would be unsightly as you come up the street and into my driveway, as there would not be enough room to create a landscape buffer on my side of the unit and still keep on my property; 3) moving it farther East does not make it any further away or out of sight from commercial building, and 4) I would lose significant efficiency in my unit, which is rather small to start with due to the size of my home.

Thank you.

Ranee Jacobus

Location Map



From: Rane Jacobus <raneejacobus@gmail.com>
Sent: Thursday, March 19, 2020 10:49 AM
To: Dale Cooney; Jeff Solum
Cc: Todd Francis
Subject: Re: AC UNIT VARIANCE REQUEST TO PAT SMITH

Here are the air conditioning specs. Please add this to packet to Planning Commission, along with the South Elevation picture I sent you.

Thank you. Let me know if you need anything else.

Rane Jacobus



KeepRite

3 Ton, Single Phase

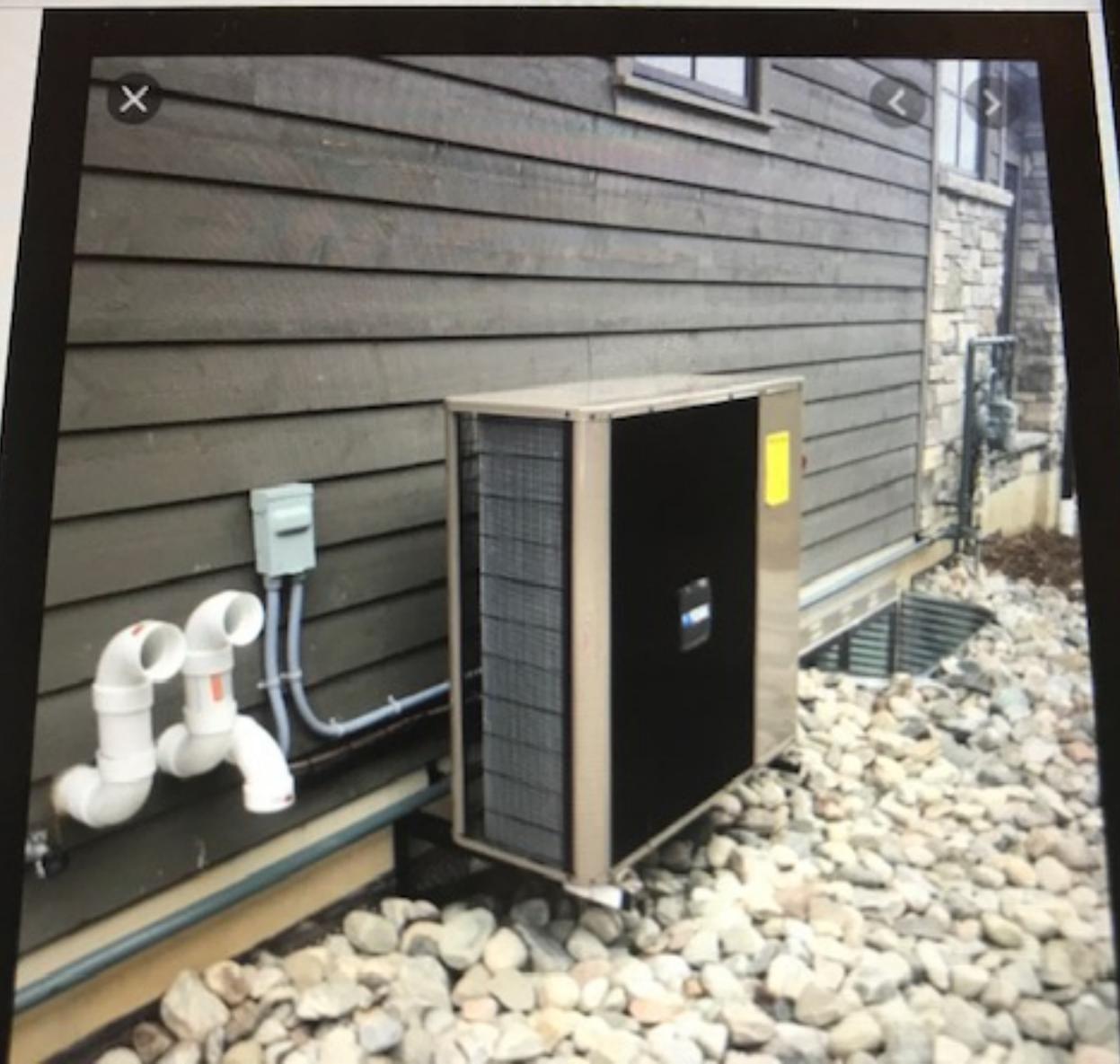
Model NH4A436AKA

37-1/8" x 44 1/2" x 17-1/16"

- Small footprint
- Easy access service valves on all models
- Factory charged with R-410A refrigerant
- For residential applications only. See warranty certificate for complete details and restrictions including warranty coverage for other applications.

eprite air conditioner bracket

Showcase 2019...





Agenda Item: Public hearing to consider the conditional use permit amendment request of the Alvin E. McQuinn Revocable Trust, property owners, to regrade the property 4900 Meadville Street.

Summary: Applicants purchased the property in June of 2018. A demolition permit was issued to remove the existing house on the property. The demolition permit allowed the applicants to backfill the area left by the house and driveway and generally bring up the grade of the demolition areas to that of the adjacent grade. Subsequent to demolition, the applicants brought in fill in excess of that which would have been permitted under the demolition permit or without a conditional use permit. The property is currently in an interim condition with some new fill brought in, but some top soil yet to be brought in as well. The grade for existing conditions is not final. Final grade will match that shown on the submitted site plan.

On May 1, 2019, the City Council approved a Conditional Use Permit to alter the site by more than 1 foot in a 300-square-foot area for the subject property. One of the conditions of the Conditional Use Permit was that the applicant remove the catch basin along Meadville Street. The applicant has designed an alternative grading plan that keeps the catch basin in place. The revised grading plan creates a swale along the north side of Meadville Street. If the existing catch basin is ever clogged with leaves or debris the stormwater will flow through the new swale and out down to Lake Minnetonka. The City Engineer has reviewed and approved the grading plan.

Staff Recommendation:

Staff recommends approval with conditions of the conditional use permit amendment request of Alvin E. McQuinn Revocable Trust, property owners, to regrade the property at 4900 Meadville Street. Staff findings based on the CUP review criteria found in city code section 1155.20:

- a) The proposed use will comply with the regulations specified for the R-1 zoning district.
- b) The use is one of the conditional uses permitted for the R-1 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: Maintaining the overall pattern of drainage from the property and not increasing stormwater runoff.
- 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.

And subject to the following conditions:

- A. Applicants will comply with the recommendations of the city engineer.

Key Dates:

Application complete: _____ April 8, 2020
Notice of Public Hearing published: _____ May 21, 2020

Planning Commission Public Hearing:	May 13, 2020
City Council Consideration:	June 3, 2020
60-Day Deadline:	June 7, 2020
120-Day Deadline:	August 6, 2020

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).

Location Map



From
Mathews Vasek Construction
1040 Adams St. SE, Suite 2
Hutchinson, MN 55350

To
City of Greenwood, Planning & Zoning Division
20225 Cottagewood Road
Deephaven, MN 55331

As representation for the property owners of 4900 Meadville Street, we are requesting an amendment to the existing Conditional Use Permit approved in 2019.

It was brought to our attention that the catch basin on the north side of Meadville Street, in the dead end portion of roadway, needs to have an overflow location if it were to back up with leaves or ice. Between the catch basin and the Eastern end of the road there is a slight crown, preventing the water from flowing adequately to the rock swale at the end of the street. After meeting with neighboring property owners, city engineer, and city planner, we will hereby propose creating more fall and a deeper waterway, or swale, along the north side of Meadville Street. The attached survey will illustrate the current conditions along with the proposed location of swale. The swale will be sodded up until the point where it enters the East rock swale.

With proper stormwater mitigation along the North side of Meadville Street, we can prevent a pooling of water if the said catch basin were to back up. Between the catch basin and now this swale, all water will be directed across the 4900 Meadville Street property, filtering out down to the lake, and have zero effect on neighboring properties. Thank you for your consideration.

Sincerely,

Andrew Vasek

LAKE MINNETONKA

Ordinary High Water Elevation = 929.4 ft. (NGVD 1929)
according to the records of the Mn DNR.

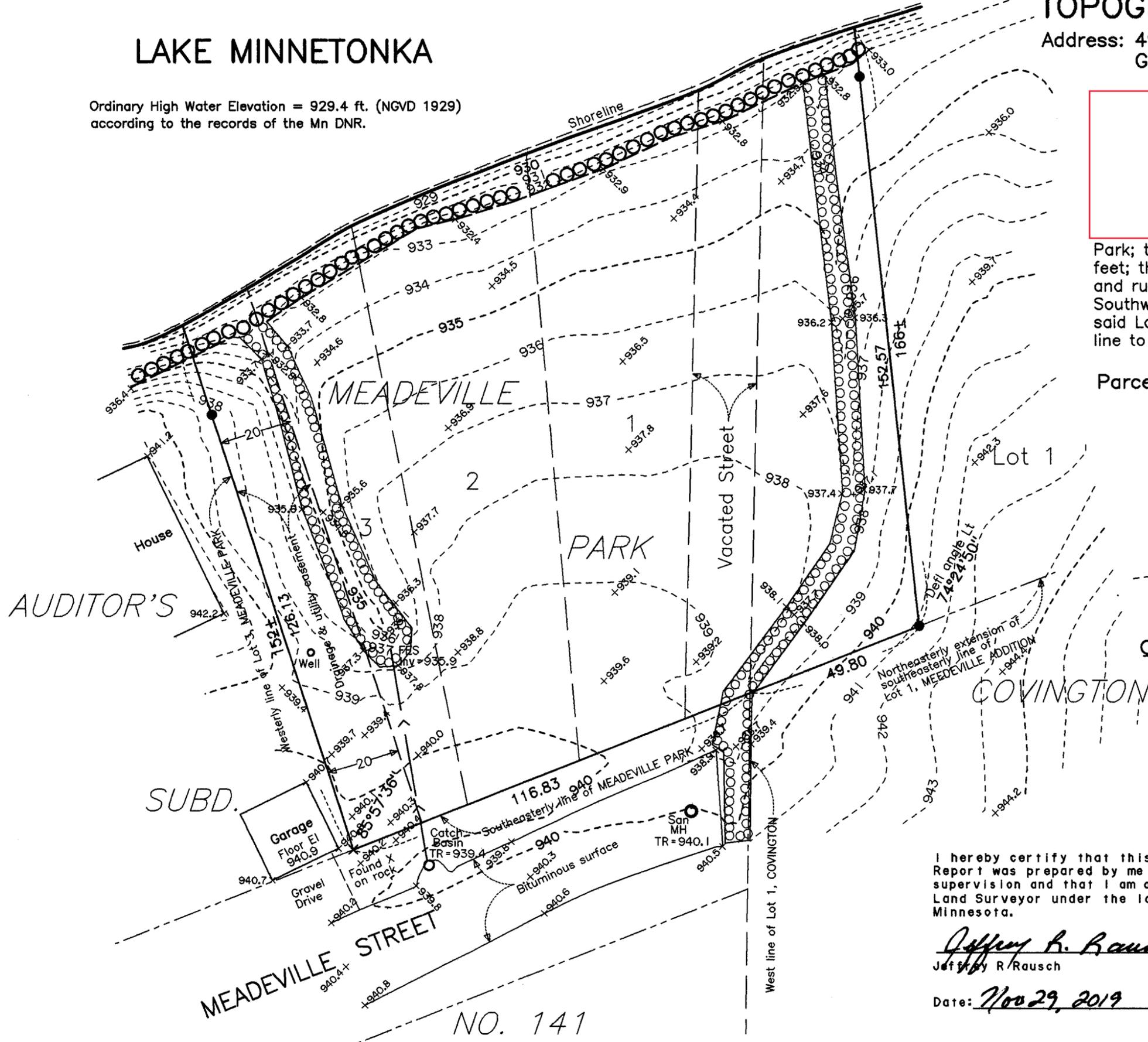
TOPOGRAPHIC SURVEY FOR AL MCQUINN

Address: 4900 meadville Street
Greenwood MN 55331

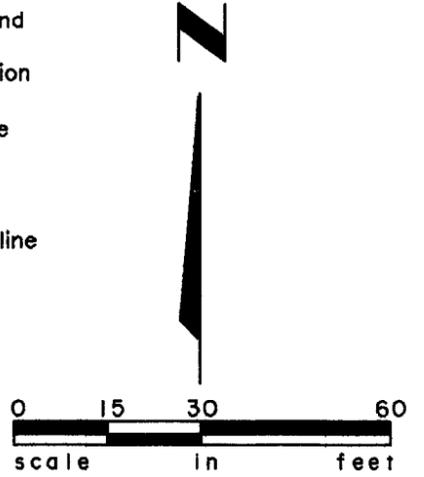
Existing Grading

Park; thence Northeasterly along said extension a distance of 49.80 feet; thence deflecting to the left 74 degrees 24 minutes 50 seconds and running Northwesterly to the shore of Lake Minnetonka; thence Southwesterly along said shore to the intersection of the West line of said Lot 1, Covington, and its extensions; thence South along said West line to the point of beginning.

Parcel Area to OHW = Approx 28700 Square Feet



- Denotes iron monument found
- +936.4 Denotes existing spot elevation
- - - 937 - - - Denotes existing contour line
- ○ ○ ○ ○ Denotes rock swale
- ○ ○ ○ ○ Denotes rip rap along shoreline



I hereby certify that this Survey, Plan 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.

Jeffery R. Rausch
Jeffery R. Rausch

Date: Nov 29, 2019 Lic. No. 24329

PELLINEN LAND SURVEYING, INC

P O Box 35
Hutchinson, Minnesota 55350

Phone (320) 587-4789
Fax (320) 587-3752

Pat Smith

From: Bob Bean <Robert.Bean@bolton-menk.com>
Sent: Friday, May 8, 2020 11:54 AM
To: Pat Smith
Subject: RE: 4900 Meadville

Pat,

I have completed review of the information provided. Following are my comments for City consideration:

1. The design of the swale is adequate to route runoff to the north and remove ponding potential at the existing catchbasin location.
2. The grading of the swale must be confirmed by the City prior to restoration.
3. An escrow of \$2,000 must be provided to allow for the City to complete the work if it is not completed satisfactorily by the applicant.

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

Thanks,

Robert E Bean Jr. P.E.
Water Resources Project Engineer
Bolton & Menk, Inc.
2638 Shadow Lane
Suite 200
Chaska, MN 55318-1172
Phone: 952-448-8838 ext. 2892
Mobile: 612-756-3184
Bolton-Menk.com

From: Pat Smith <pat@cityofdeephaven.org>
Sent: Thursday, May 7, 2020 4:53 PM
To: Bob Bean <Robert.Bean@bolton-menk.com>
Subject: 4900 Meadville

Hey Bob,

Here is that grading plan. Could you review it tomorrow and provide comments?

I'm trying to track down their payment. Not sure if it's going to be able to make next Wednesday's Planning Commission meeting or not.

Thanks,
Pat

Patrick Smith, AICP

Planning Director
Deephaven • Greenwood • Woodland

20225 Cottagewood Road
Deephaven, MN 55331



Agenda Number: **XX**

Agenda Date: **XX-XX-XX**

Prepared by Deb Kind

Agenda Item: 1st Reading: Ord 298, Amending Construction Management Ordinance Section 305, Subd 1(b), Regarding Construction Hours

Summary: Residents on Meadville Street and Fairview Street have expressed concern about having new home construction in the area for several years in a row and facing another summer of new home construction. The residents have asked the city council to consider changing construction hours.

- Greenwood's current code: Work at construction sites shall be limited to 7am to 9pm Monday through Friday and 8am to 7pm on weekends and holidays.
- Shorewood's code (Excelsior has similar language): Construction hours are between 7:00 am and 7:00 pm on weekdays and 8:00 am and 6:00 pm on Saturdays. Construction is prohibited on Sundays.
- Edina's code: Construction hours for demolition and new residential building permits are: Monday through Friday from 7 a.m. to 7 p.m. Saturday from 9 a.m. to 6 p.m. Sundays and Holidays (New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas) - Construction is Prohibited.
- Proposed new language for Greenwood's code (see draft of ordinance attached): Work at construction sites shall be limited to the following hours: Monday through Friday from 7am to 7pm and Saturday from 9am to 6pm. Work at construction sites is prohibited on Sundays and the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

At the 03-04-20 City Council Meeting, the council reviewed the proposed ordinance and approved the following ...

Motion by Fletcher that the city council directs the planning commission review and make a recommendation regarding ordinance 298. Second by Conrad. Motion passed 3-0.

At the 04-08-20 Planning Commission Meeting, the planning commission reviewed the proposed ordinance and made the following recommendation ...

Motion by ____ . Second by ____ . Motion passed ____ .

At the 05-06-20 City Council Meeting, the council will review the planning commission's recommendation and take action on the ordinance. For the council's reference, the proposed ordinance is attached and the planning commission minutes are located in the FYI section of the packet.

Timeline:

~~03-04-20 The city council discussed the proposed ordinance and approved sending it to the planning commission.~~

~~04-08-20 The planning commission reviewed the ordinance and made a recommendation.~~

05-06-20 City council considers 1st reading of the ordinance (may make revisions / may waive 2nd reading).

05-07-20 If the 2nd reading is waived, the ordinance is submitted to the Sun-Sailor for publication.

05-14-20 If the 2nd reading is waived, the ordinance is published in the Sun-Sailor (goes into effect on this date).

06-03-20 City council considers 2nd reading of the ordinance (may make revisions).

06-04-20 The ordinance is submitted to the Sun-Sailor for publication.

06-11-20 The ordinance is published in the Sun-Sailor (goes into effect on this date).

Council Action: None required. Potential motions ...

1. I move the city council (1) approves the 1st reading of ordinance 298 amending the construction management ordinance code section 305 as written / as amended; and (2) waives the 2nd reading; and (4) directs staff to publish the ordinance in the city's official newspaper.
2. I move the city council (1) approves the 1st reading of ordinance 298 amending the construction management ordinance code section 305 as written / as amended; and (2) directs the ordinance be placed on the next city council agenda for a 2nd reading.
3. Do nothing (maintain current ordinance) or other motion ???

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. In order to publish an ordinance by title and summary the ordinance must be approved by a 4/5ths vote. 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 CONSTRUCTION MANAGEMENT ORDINANCE SECTION 305
REGARDING CONSTRUCTION HOURS**

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

SECTION 1.

Greenwood ordinance code section 305, subd 1(b) is amended to read as follows:

~~Work at construction sites shall be limited to 7am to 9pm Monday through Friday and 8am to 7pm on weekends and holidays.~~

Work at construction sites shall be limited to the following hours: Monday through Friday from 7am to 7pm and Saturday from 9am to 6pm. Work at construction sites is prohibited on Sundays and the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

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 _____, 2020.

____ AYES ____ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana H. Young, City Clerk

First reading: _____, 2020
Second reading: _____, 2020
Publication: _____, 2020