

GREENWOOD PLANNING COMMISSION
WEDNESDAY, MAY 16, 2012
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, Bill Cook, David Paeper, Douglas Reeder and Alternate member Kristi Conrad

Absent: None

Others Present: City Attorney Mark Kelly, Council Liaison Tom Fletcher and Zoning Administrator 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 April 18, 2012.

Commissioners Beal and Cook had slight modifications to the minutes. Commissioner Beal moved to approve the minutes of April 18, 2012 as amended. Commissioner Cook seconded the motion. Motion carried 5-0.

LIAISON REPORT

Council Liaison Fletcher informed the Commission on a number of issues including the Council's discussion on upcoming road projects, the conditional approval of the Carlson variance request, the discussion on alternate routes for Excel's proposed upgrade project and a request by Keith Stuessi that the city consider amending its impervious surface standards for lots less than fifteen thousand square feet in area.

4. PUBLIC HEARINGS

Keith and Stacy Carlson, 20965 Channel Drive, variance requests to expand a lakeside deck which would encroach into the required lake yard setback and exceed the maximum permitted impervious surface area by 6.2%.

Section 1120:15 of the Zoning Ordinance requires a lake yard setback of fifty feet as measured from the ordinary high water level. The applicants propose a lake yard setback of forty feet, two inches for the proposed deck expansion. The proposal requires a variance of nine feet, ten inches of the required lake yard setback.

Section 1176.04(3)(3) permits a maximum permitted impervious surface area of 30%. The applicants are seeking a variance to exceed the maximum permitted impervious surface area by 6.2%.

Chairman Lucking summarized the request and opened the public hearing.

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Keith Carlson said the proposal would reduce the existing impervious surface and keep the deck in its current location and expand it in compliance with the required setback.

Chairman Lucking asked how large the deck was over the existing porch. Stacy Carlson said the original survey shows the deck as part of the home and that the deck actually extends 10.1 feet lake ward from the home. Lucking asked if the proposed stairs were located in the same location as the existing stairs. Mrs. Carlson said they would be, but would be widened by a foot to four foot in width.

Commission Paeper asked if the proposed steps were closer to the lake. Josh Koller, Southview Design, said they were not and would have the same rise as the existing stairs.

Commissioner Beal asked how the existing impervious surface would be reduced. Mrs. Carlson said they were going to remove some pavers and walkways to the lake.

Chairman Lucking asked if there was impervious surface below the existing porch. Mr. Koller said there was a porch that would remain.

Commissioner Beal said with the reduction of impervious surface that he was ok with the request.

Commissioner Paeper questioned why the landscape plan was different than what was shown on the survey and indicated that could impact the percentage of impervious surface area. Mr. Koller said the new landscaping plan actually reduced the impervious surface area and that the survey was done prior to the finalization of the landscaping plan.

Zoning Coordinator Karpas said the Planning Commission could condition any motion that the impervious surface not exceed the percentage proposed on the application.

Chairman Lucking asked about the dimensions of the existing and proposed deck which didn't seem consistent on the existing and proposed surveys. He asked if the existing deck currently extended to the stairway. Mrs. Carlson said it did and that the surveyor labeled it incorrectly on the first survey.

Commissioner Conrad noted the only thing different from the previous request is that the deck does not extend closer to the lake. Mr. Koller said that was correct.

Motion by Commissioner Beal to recommend the City Council approve, the request by Keith and Stacy Carlson for variances to encroach nine feet, ten inches into the required lake yard setback for the proposed deck replacement and the request to exceed the maximum permitted impervious surface area by 6.2%, as presented for 20965 Channel Drive. The property owners propose to use the property in a reasonable manner in that they are replacing an existing deck in need of repair in its existing footprint, the plight of the landowner is due to circumstances unique to the property and the granting of the variance will not alter the essential character of the locality. The motion is conditioned that the applicant provide an updated survey showing the final landscaping plan to the City Council and that the overall impervious surface, including all landscaping improvements not exceed 36.62%. Paeper seconded the motion. Motion carried 5-0.

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Keith and Stacy Carlson, 20965 Channel Drive, conditional use request to remove trees within the Shore Impact Zone. The Shore Impact Zone is defined as the land located between the ordinary high water level of Lake Minnetonka and a line parallel to it at a setback of twenty-five feet from the ordinary high water level of the lake. The proposal would remove five trees within the Shore Impact Zone.

Section 1140:80 of the Zoning Ordinance prohibits the removal of trees within the Shore Impact Zone without the issuance of a tree removal conditional use permit by the City Council.

Chairman Lucking summarized the request and opened the public hearing.

Josh Koller, Southview Design, referred to the letter submitted by the city's arborist which incorrectly indicated that the White Pine directly in front of the home was located within the Shore Impact Zone. He said the tree is actually just outside of that zone and wasn't included in the request.

Zoning Coordinator Karpas noted he received a letter from Charles Wendle, 20900 St. Albans Green, who was supportive of the tree removal. He was concerned about the health of the trees and the safety hazards they posed.

Commissioner Beal noted the letter submitted by Dan Bird with Rainbow Tree Care who concurred with the tree removal plan with the exception of the removal of the Silver Maple Tree on the lakeside. Mr. Koller said the tree is not being removed and is marked in error by staff on the survey. He indicated it is shown as remaining on the survey. He said the plan was to remove three Birch, a Green Ash, two Willows, a White Pine and another Willow on the far side of the property.

Commissioner Conrad asked about the replacement plan. Mr. Koller said the plan was to replant 5 eight to ten foot Evergreens, a three inch caliper Oak, three single stem Birch and a number of ornamental trees. He said the plan was to originally plant a red maple but changed it to an Oak based on the comments of the city arborist. Stacy Carlson questioned whose decision it was on what was planted since both of those trees are technically considered hardwoods.

Commissioner Paeper said he appreciates the improvements on the property but he gets the impression that the lawn is being cleared out and feels the tree removal is excessive. Commissioner Beal said he looked at the property from his boat to get an idea how the property would look from the lake. He said his idea of the tree ordinance was how properties would look when viewed from the lake. The general idea would be to see trees and not their houses. He said cutting down the trees increases the amount of house visible from the lake. Mrs. Carlson noted the health of the trees warranted their removal. Beal noted by taking trees off the lakeside and replacing them on the other side of the house enhancing your view of the lake, but interferes with other people's views from the lake.

Mr. Koller explained there was a new landscaping plan that was not included in the information given to the Commission. He discussed the new plan with the Commissioners, indicated he was willing to add another large tree on the lakeside on the home, but was limited on the number he could place due to the size of the Silver Maple.

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Motion by Commissioner Beal to recommend the City Council approve, the request by Keith and Stacy Carlson for a conditional use permit to remove eight trees on their property, with five significant trees located within the Shore Impact Zone, as presented for 20965 Channel Drive. The motion is conditioned on a requirement that a large hardwood tree be placed on the south side of the property along the lakeshore in addition to the replacement tree incorporated in the Carlson's proposal. Cook seconded the motion. Motion carried 4-1. Commission Paeper voted against the motion.

Commissioner Paeper stated for the record he did not believe it was a good use of the Commission's time for an applicant not to provide up to date information for review with their application. The Commission agreed.

5. ADJOURN

Motion by Commissioner Beal to adjourn the meeting. Commissioner Reeder seconded the motion. The meeting was adjourned at 7:55 p.m.

Respectively Submitted
Gus Karpas - Zoning Administrator