

GREENWOOD PLANNING COMMISSION
WEDNESDAY, December 18, 2013
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 and Commission members John Beal, Kristi Conrad, David Paeper and Douglas Reeder

Absent: None

Others Present: Council Liaison Bill Cook, City Attorney Mark Kelly 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 – November 20, 2013

Commissioner Paeper moved to approve the minutes of November 20, 2013 as presented. Commissioner Beal seconded the motion. Motion carried 5-0.

4. PUBLIC HEARING

Variance Request, Kam Talebi, 5560 Maple Heights Road – Request to construct a swimming pool between the principal structure and the lakeshore. Swimming pools are considered an accessory structure per Section 1102 of the city code.

Section 1140.10(2) of the Zoning Ordinance does not permit the placement of an accessory structure between the lakeshore and the side of the principal building nearest the lake.

Chairman Lucking discussed the request noting the property was granted a variance to place a swimming pool in the same location as is being requested in 2003. The pool was not constructed within a year of that approval, therefore the variance has expired.

Commissioner Beal commented he didn't see how the request would impact the adjacent properties.

Commissioner Reeder asked if the pool would be visible to adjacent properties and how the grade would be impacted. Dave Erotas, Erotas Building Corporation, said the existing grade is not the final grade, and it will eventually be feathered to naturally flow up to the pool. Mr. Erotas said the pool would not be visible to adjacent properties since it is placed below the main level of the home.

Chairman Lucking opened the public hearing.

Zoning Karpas noted he received an email from Mark and Nancy Bendix, 5580 Maple Heights Road, in favor of the request.

Hearing no further comment, the hearing was closed.

Motion by Commissioner Beal to recommend the city council approve the application of Kam Talebi for a variance to Greenwood Ordinance Code section 1140.10(2) to permit the construction of an accessory structure between the lakeshore and a principal structure as presented.

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Commissioner Conrad seconded the motion. Motion carried 4-1. Commissioner Reeder voted against the motion to approve. He felt pools are unnecessary on lake lots.

ORDINANCE NO. 226 – An Ordinance of the City of Greenwood, Minnesota Amending Greenwood Code Section 1100 Regarding Swimming Pools, Spas, and Hot Tubs

Zoning Administrator Karpas read the staff memo to the Commission. The city council directed Planning Commission to review the existing swimming pool regulations and draft an ordinance that was more representative of the types of requests received by the city. The commission reviewed the ordinance drafted by staff at their November meeting and made some minor adjustments and directed staff to schedule a public hearing.

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

The Commission discussed some clarification points to ensure pools were permanent in-ground pools. A question was raised about infinity style pools and others that may require retaining walls due to grade issues. It was determined those would be reviewed on a case by case basis.

Motion by Commissioner Reeder to recommend the City Council approve Ordinance No. 226; An Ordinance of the City of Greenwood, Minnesota Amending Greenwood Code Section 1100 Regarding Swimming Pools, Spas, and Hot Tubs. Beal seconded the motion. Motion carried 5-0.

5. NEW BUSINESS

ORDINANCE NO. 228 - An Ordinance of the City of Greenwood, Minnesota Amending Greenwood Ordinance Code Section 1155.10 Regarding Practical Difficulties Considerations

City Attorney Kelly discussed the proposed change stating that nothing prevents the city from reviewing standards outside those listed under the state statutes, but they cannot be used as the sole factors for denial. Commissioner Paeper noted the addition factors in the city's ordinance have never been used as the criteria for denying a variance. City Attorney Kelly said they may not have been, but they have been heavily relied on while reviewing some requests in more dense neighborhoods.

Commissioner Conrad asked if the city would like to add any additional considerations since it is amending the ordinance. Commissioner Beal noted the ordinance references "not limited to", which gives the city some latitude.

The Commission agreed that staff would amend the ordinance and schedule a public hearing for the January 15th meeting.

DISCUSS - Potential Shuman Woods Park Improvements

City Attorney Kelly summarized the content of a park plan which includes a discussion of the available parkland within the city and a listing of possible improvements. Doing this frees up the ability of the city to use park monies for improvements. He suggested the Commission set up a subcommittee to create a document of what the city has and what it may want to do to improve its park system.

Commissioner Conrad volunteered.

6. LIAISON REPORT

Council Liaison Cook was absent.

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7. ADJOURN

Motion by Commissioner Beal to adjourn the meeting. Commissioner Paeper seconded the motion. The meeting was adjourned at 7:58 pm.

Respectively Submitted
Gus Karpas - Zoning Administrator