

1. CALL TO ORDER/ROLL CALL

Chairman Lucking called the meeting to order at 7:06 p.m.

Members Present: Chairman Pat Lucking and Commissioners Kristi Conrad, David Paeper (7:08) and Douglas Reeder

Absent: None

Others Present: Council Liaison Bill Cook, City Attorney Mark Kelly and Zoning Administrator Gus Karpas.

2. MINUTES – March 19, 2014

Commissioner Conrad moved to approve the minutes of March 19, 2014 as presented. Commissioner Reeder seconded the motion. Motion carried 3-0.

3. PUBLIC HEARINGS

Conditional Use Request, Excelsior Entertainment, LLC 5185 Meadville Street – Request for the issuance of a conditional use permit for Excelsior Entertainment, LLC, dba as The Old Log Theater, 5185 Meadville Street, in connection with the construction of two cement patio slabs for refrigeration units.

Section 1123.30(a) requires the acquisition of a conditional use permit for any addition of impervious surface to the property.

Summary: As part of an interior remodeling project, the applicant will be altering the kitchen area requiring additional freezer space. The applicant will be building two exterior concrete pads to support free standing refrigeration units.

The request for the construction of the concrete pads and the placement of the refrigeration units do not require city approval, but the alteration itself triggers the need for the issuance of a conditional use permit for the property.

Chairman Lucking summarized the request and opened the public hearing.

Marilyn Thacker, 21915 Fairview Street, clarified the location of the proposed refrigeration units to verify there would be no impact on the adjacent residential properties.

Hearing no further public comment, the hearing was closed.

Commissioner Paeper questioned the classification of the refrigeration units as portable. He wondered why they weren't considered accessory structures under the city ordinance. Greg Frankenfield said the units are assembled on site and placed on the concrete pads and can be moved if necessary. Paeper asked if the units were attached to the building. Mr. Frankenfield said they were attached by a gasket. Paeper asked about noise and whether tests had been performed to ascertain the noise level at the property line. Mr. Frankenfield said that no tests were done.

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Commissioner Paeper asked why there was no required setback for the refrigeration units. City Attorney Kelly said it was determined by the Zoning Coordinator that since the units were portable, they didn't meet the definition of accessory structure. Kelly said the units could be viewed as portable personal property placed on a slab much like an air conditioner or generator. Paeper said the difference is that this is a room that you can walk into.

City Attorney Kelly read and discussed the definition of accessory structure and said the refrigeration units are really in a "gray" area.

Commissioner Paeper asked if the refrigeration units were included on a depreciation schedule. Mr. Frankenfield said they were.

Zoning Coordinator Karpas said if the units were considered an accessory structure, they would have to comply with a ten foot side yard setback. Commissioner Paeper said the units could be shifted to comply with that setback.

Commissioner Reeder said he doesn't have an issue with the placement of the units, but believes they are accessory structures that need a variance.

Commissioner Conrad views the units as personal property since it only serves the kitchen and doesn't believe a variance is warranted.

Chairman Lucking said he also leans towards the units being personal property since there is no footing required for their placement.

Commissioner Paeper said he wouldn't be opposed to passing it on to the Council provided the applicant shift the refrigeration units to comply with the required accessory structure setback or provide additional information to the Council as to why they should not be considered accessory structures under the code definition and that the noise impact of the units be measured at the property lines.

City Attorney Kelly said this was the time the Commission could address any additional conditions they would like to impose on the use of the property. Kelly said this may not be necessary at this time since the recently adopted R1-C ordinance included an inventory of the existing on the property and the proposed change in use is not an expansion of the actual activity on the property.

The Commission agreed that additional conditions were not warranted at this time, that conditions could be added once the use itself was expanded.

Motion by Commissioner Paeper to recommend the city council conditionally approve the application of Excelsior Entertainment, LLC for a conditional use permit to allow the of two cement patio slabs for portable refrigeration units.

The motion is based on the following findings: (a) the applicant must either shift the refrigeration units to comply with the required accessory structure setback or provide additional information to the Council as to why they should not be considered accessory structures under the code definition; and (b) the applicant shall provide noise meter readings as the property line to gauge the noise impact of the proposed units.

Commissioner Conrad seconded the motion. Motion carried 4-0.

ORDINANCE NO. 229 - An Ordinance of the City Of Greenwood, Minnesota
Amending Greenwood Ordinance Code Section 1176 Shoreland Management District
Relating To Impervious Surfaces in Residential Districts

Summary: A recent variance request to exceed the permitted impervious surface area prompted the Planning Commission to review some of the provisions contained in Section 1176.07.05, for granting variances for such requests. At their February meeting they discussed draft ordinance language that addressed the requirement placing the burden of proof on current homeowners showing that impervious surface coverage in excess of 30% on their property existed prior to the adoption of the current Shoreland Management Ordinance, the use of the term "Illegal" and the inclusion of driveways necessary for access to the property as a penalty against a property, being deemed a landscape feature not eligible for consideration when exchanging impervious surface when an existing structure is being expanded or a new one is constructed.

Chairman Lucking summarized the proposed ordinance and opened the public hearing. Hearing no comment, the hearing was closed.

The Commission agreed with the proposed language.

Motion by Commissioner Reeder to recommend the Council approve Ordinance 229; An Ordinance of the City Of Greenwood, Minnesota
Amending Greenwood Ordinance Code Section 1176 Shoreland Management District
Relating To Impervious Surfaces in Residential Districts, as written. Paeper seconded the motion. Motion carried 4-0.

4. NEW BUSINESS

ORDINANCE NO. 232 - An Ordinance of the City of Greenwood, Minnesota
Amending Greenwood Ordinance Code Section 1140.40 Regarding Signs In Residential
Areas

Summary: The Old Log Theater has indicated they will have to update their signage in the future. The current sign ordinance prohibits the alteration of on-premises signs located within residential districts identifying or advertising an establishment, person, activity, goods, products or series located on the premises where the sign is installed.

The proposed amendment would make an exception for business operating under an approved conditional use permit. This exception would apply only to the Old Log Theatre.

Zoning Coordinator Karpas noted the proposed ordinance language highlighted in red.

The Commission clarified there would still be a process required for the placement of a new sign. City Attorney Kelly said there would, and the process would be more intensive than the typical sign application since along with the existing sign ordinance provisions, the applicant would have to amend their conditional use permit.

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Motion by Commissioner Conrad to recommend the Council approve Ordinance 231; An Ordinance of the City of Greenwood, Minnesota Amending Greenwood Ordinance Code Section 1140.40 Regarding Signs In Residential Areas, as written. Paeper seconded the motion. Motion carried 4-0.

5. OLD BUSINESS

DISCUSS – Park District and potential Shuman Woods Park Improvements

Zoning Coordinator Karpas said there was no information to present to the Commission at this time and he would continue to work with Commissioner Conrad and Councilmember Cook on this item.

The Commission discussed the status of Shuman Woods given the fact the development restriction was expiring on the property.

6. LIAISON REPORT

Council Liaison Cook said the Council held the pre-board of appeals with the County Assessors prior the last Council meeting. He said it was a very interesting discussion and a number of questions were raised by the Council. He said the Council also discussed ordinances related to suspending the Planning Commission in the absence of a quorum and establishing the Council Liaison as a voting member of the Commission.

7. ADJOURN

Motion by Commissioner Conrad to adjourn the meeting. Chairman Paeper seconded the motion. The meeting was adjourned at 8:06 pm.

Respectively Submitted,
Gus Karpas - Zoning Administrator