

**GREENWOOD PLANNING COMMISSION  
WEDNESDAY, JUNE 18, 2014  
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 Commissioners Lake Bechtell, Kristi Conrad (7:04), David Paeper, and Douglas Reeder (7:23)

Absent: None

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

**2. MINUTES – May 21, 2014**

Commissioner Paeper moved to approve the minutes of May 21, 2014 as presented. Commissioner Bechtell seconded the motion. Motion carried 3-0.

**3. PUBLIC HEARINGS**

**Variances, David Steingas, 21500 Fairview Street** – Request for variances to encroach into the minimum required front yard setback and to exceed the maximum permitted impervious surface to construction an addition.

Section 1120:15 of the Zoning Ordinance requires a minimum front yard setback of thirty feet. The applicant proposes a front yard setback of seventeen feet for the proposed garage addition. The proposal requires a variance of thirteen feet of the required front yard setback.

Section 1176.04(3)(3) permits a maximum permitted impervious surface area of 30%. The applicant is proposing an impervious surface area of 32.33% and is seeking a variance to exceed the maximum permitted impervious surface area by 2.33%.

**Summary:** The applicant is requesting to construct an addition which would encroach into the required front yard setback and exceed the maximum permitted impervious surface. The proposed encroachment would maintain the existing encroachment of the principle structure and the project would reduce the overall impervious surface area on the property

The property currently contains a small principal structure with no garage. The proposal would create a three-stall garage with living space above it. The proposal complies with the required side and lake yard setbacks, structure height and permitted volume calculations.

The previous owner of the property applied for variances of the required front yard setback and impervious surface area to construct a detached garage on the property in 2007. The applicant later withdrew the application because he was in disagreement with the Council on a suggested relocation of the structure.

Mr. Steingas introduced himself and said he was available to answer any questions.

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

The Commission was supportive of the request though it was noted an additional tree may be lost during construction and though the reduction in impervious surface area was minimal the effort by the applicant was appreciated by the Commission.

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Motion by Commissioner Paeper to recommend the city council approve the application for a variance of Section 1120:15 to encroach thirteen feet into the required thirty foot front yard setback and the variance of Section 1176.04(3)(3) to exceed the maximum permitted impervious surface area of 30% by 2.33%.

The motion is based on the following findings: (a) the proposal maintains the spirit and intent of the zoning ordinance by maintaining the low density nature of the R-1A single-family district; (b) the proposal is consistent with the Comprehensive Plan in that it seeks to maintain the character of the city through the maintenance of the existing housing stock; (c) the proposed manner of use is reasonable since it seeks to continue the single family use of the property through the rehabilitation and expansion of the existing structure; (d) the plight of the homeowner is due to the lot dimensions, the placement of the existing home and the need for a garage on a property which currently does not have one; and (e) the proposal maintains the essential character of the neighborhood.

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

**Ordinance 235** - An Ordinance of the City of Greenwood, Minnesota  
Amending Greenwood Ordinance Code Section 1140.19 Regarding Permitted Grade Alterations

**Summary:** Zoning Administrator Karpas summarized the proposed ordinance amendment stating it would permit an alteration of up to three feet with city engineer approval. He said the previous ordinance held alterations to one foot which he felt was too restrictive. Also, the existing ordinance had exceptions that were confusing and could be manipulated. The proposed ordinance language would remove the current grading exceptions for foundation placements and driveways and limit them to only necessary stormwater management controls. Any alterations above three feet would require variance approval.

Chairman Lucking expressed concern that a three foot increase in a three hundred square foot area is a large rise in a small area. Zoning Administrator Karpas said the three feet is a starting point and the number could be whatever the city sets. He said the number was taken from Deephaven and Woodland which have larger lots.

The Commission discussed the idea of having grading in excess of the established amount become a Conditional Use Permit (CUP) as suggested by the City Attorney. Zoning Administrator Karpas gave examples in Deephaven and Woodland where that came back to haunt them since a CUP is essentially is a permitted use with conditions. He doesn't feel it's unreasonable to require someone to show a practical difficulty if they need to increase the grade over the established amount.

The Commission agreed that a more reasonable grade alteration for the character of Greenwood would be two feet with engineer approval and anything beyond that would require a variance.

Motion by Commissioner Lucking to recommend the Council approve Ordinance 235 - An Ordinance of the City Of Greenwood, Minnesota Amending Greenwood Ordinance Code Section 1140.19 Regarding Permitted Grade Alterations, with the amendment that the maximum permitted grade alteration be limited to two feet. Conrad seconded the motion. Motion carried 5-0.

#### **4. NEW BUSINESS**

**Discuss** – Impervious surface mitigation

Zoning Coordinator Karpas said the Council was interested in the Planning Commission's opinion on creating an ordinance which would permit options such as rain gardens and cisterns as a means for mitigating impervious surface on smaller lots.

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The Commission discussed the benefits and unintended consequences an ordinance could create.

Councilmember Cook said he was not interested in creating a means for people to increase their impervious surface area, especially if their lot is currently in compliance with the ordinance.

Commissioner Paeper feels that impervious surface area is one of the most abused portions of the ordinance. Even though he feels rain gardens are nice, they shouldn't be a trade-off for impervious surface area. As for cisterns, in order to be effective, they need to be maintained.

City Attorney Kelly suggested the city may want to forego an ordinance and opt to only provide applicants information on other options to mitigate impervious surface area. That way it is left up to the property owner to decide what they want to do. Councilmember Cook agreed stating once you put language in a code, someone will figure out a way to "game" the ordinance and get around it.

The recommendation of the Commission was to not draft an ordinance at this time.

## **5. OLD BUSINESS**

### **Discuss** – Park District and potential Shuman Woods Park Improvements

Councilmember Cook said the City Council would like to have a public meeting to take input on what should be done with Shuman Woods. He said the options are as follows; a) keep and maintain the property as a vacant lot; b) Develop as a park; or c) sell the property.

The Commission discussed the options and focused on whether the city had the right to sell the property if it wanted to. City Attorney Kelly said there would have to be further research to determine if that was even an option.

Commissioner Paeper asked what the motivation would be to sell the property since it costs the city nothing to keep it. Councilmember Cook said the city doesn't necessarily want to sell it, it's just one of the options it may have available.

Councilmember Cook said further research would be done and a public meeting scheduled for resident input.

## **6. LIAISON REPORT**

Council Liaison Cook said the Council accepted the seal coating bids for the upcoming street projects, noted that the St. Alban's Bay Bridge is eligible for grant funds based on its most recent safety rating and said the Council rescinded enforcement of Appendix D of the Fire Code at a special meeting of the City Council earlier in the evening.

## **7. ADJOURN**

Motion by Commissioner Paeper to adjourn the meeting. Commissioner Conrad seconded the motion. The meeting was adjourned at 8:07 pm.

Respectively Submitted,  
Gus Karpas - Zoning Administrator