

AGENDA

Greenwood City Council Meeting

Wednesday, March 4, 2015
20225 Cottagewood Road, Deephaven, MN 55331



The public is invited to speak when items come up on the agenda (comments are limited to 3 minutes). The public may speak regarding other items during Matters from the Floor (see below).

- 7:00pm 1. CALL TO ORDER | ROLL CALL | APPROVE AGENDA
- 7:00pm 2. CONSENT AGENDA
Council members may remove consent agenda items for discussion. Removed items will be put under Other Business.
- A. Approve: 02-04-15 City Council Meeting Minutes
 - B. Approve: January Cash Summary Report
 - C. Approve: January Certificates of Deposit Report
 - D. Approve: February Verifieds, Check Register, Electronic Fund Transfers
 - E. Approve: March Payroll Register
- 7:05pm 3. MATTERS FROM THE FLOOR
This is an opportunity for the public to address the council regarding matters not on the agenda. The council will not engage in discussion or take action on items presented at this time. However, the council may ask for clarification and may include items on a future agenda. Comments are limited to 3 minutes.
- 7:10pm 4. PRESENTATIONS, REPORTS, GUESTS & ANNOUNCEMENTS
- A. Presentation: CliftonLarsonAllen 2014 Audit Report
 - B. Announcement: Pre-Board Worksession with Assessors, 6pm 04-01-15 (before regular council meeting)
 - C. Announcement: In Memory of Don Stolz, 1917-2015
- 7:30pm 5. PUBLIC HEARINGS
- A. None
- 7:30pm 6. UNFINISHED BUSINESS
- A. Consider: Next Steps Regarding St. Alban's Bay Lake Improvement District
 - Appointment of Initial 5 Directors, 1 Ex-Officio Director, and Interim Chair
 - Adoption of Fiduciary Statement of Duties / Request for Proposals
- 7:45pm 7. NEW BUSINESS
- A. Consider: Resolution 03-15 Conditional Use Permit Findings of Fact for Peter and Kim Johnson, 5085 Highview Place
 - B. Consider: Resolution 04-15 Conditional Use Permit Findings of Fact and Resolution 05-15 Variance Findings of Fact for Mike and Deb Anderson, 5105 Weeks Road
 - C. Consider: Resolution 06-15, Planning Commission Appointments
 - D. Consider: Annual Contribution for St. Alban's Bay Aquatic Invasive Species Treatment
 - E. Consider: 2015 Lake Minnetonka Communications Commission Survey
 - F. Consider: Authorization to Hire Attorney for Upcoming Variance Application
- 9:15pm 8. OTHER BUSINESS
- A. None
- 9:15pm 9. COUNCIL REPORTS
- A. Cook: Planning Commission, Sewer Study, Traffic Committee, Bridge Committee
 - B. Fletcher: Lake Minnetonka Communications Commission, Fire
 - C. Kind: Police, Administration, Mayors' Meetings, Website
 - D. Quam: Roads & Sewers, Mtka Comm Education, Traffic Committee, Bridge Committee
 - E. Roy: Lake Minnetonka Conservation District, Lake Improvement District
- 9:30pm 10. ADJOURNMENT



Agenda Item: Consent Agenda

Summary: The consent agenda typically includes the most recent council minutes, cash summary report, verified report, electronic fund transfers, and check registers. The consent agenda also may include the 2nd reading of ordinances that were approved unanimously by the council at the 1st reading. Council members may remove consent agenda items for further discussion. Removed items will be placed under Other Business on the agenda.

Council Action: Required. Possible motion ...

1. I move the council approves the consent agenda items as presented.

MINUTES

Greenwood City Council Meeting

Wednesday, February 4, 2015

20225 Cottagewood Road, Deephaven, MN 55331



1. CALL TO ORDER ~ ROLL CALL ~ APPROVE AGENDA

Mayor Kind called the meeting to order at 7pm.

Members Present: Mayor Kind; Councilmembers Bill Cook, Tom Fletcher, and Rob Roy

Members Absent: Councilmember Bob Quam

Others Present: City Zoning Administrator / City Clerk Gus Karpas, City Attorney Mark Kelly

Motion by Kind to approve the agenda. Second by Roy. Motion passed 4-0.

2. CONSENT AGENDA

A. Approve: 01-07-15 City Council Meeting Minutes

B. Approve: December Cash Summary Report

C. Approve: December Certificates of Deposit Report

D. Approve: January Verifieds, Check Register, Electronic Fund Transfers

E. Approve: February Payroll Register

Motion by Kind to approve the consent agenda items. Second by Fletcher. Motion passed 4-0.

3. MATTERS FROM THE FLOOR

A. None

4. PRESENTATIONS, REPORTS, GUESTS & ANNOUNCEMENTS

A. Report: Quarterly Police Update

Lieutenant Neururer introduced Sergeant Mark Geyer who gave a presentation regarding the "Place of Last Drink" program. No council action was taken regarding the presentation. View the presentation on LMCC TV channel 8 or at www.lmcc-tv.org.

B. Announcement: Planning Commission Term Expirations

Motion by Cook to direct the city clerk to notify the planning commissioners whose terms expire to let them know that they will need to reapply if they would like to be considered for reappointment to another 2-year term. Second by Roy. Motion passed 4-0.

5. PUBLIC HEARINGS

A. None

6. UNFINISHED BUSINESS

A. Discuss: Next Steps Regarding St. Alban's Bay Lake Improvement District

Motion by Roy to approve the St Alban's Bay Lake Improvement District Joint Cooperation Agreement dated 02-02-15 and further authorize the mayor and city clerk to sign 2 copies of the agreement and send to Excelsior for signing. One original signed copy will be filed at the city of Greenwood. The second original signed copy will be filed at the city of Excelsior. Second by Cook. Motion passed 4-0.

B. 2nd Reading: Ordinance 241, Establishing Regulations for Recreational Fires

Motion by Cook to approve the 2nd reading of ordinance 241 that amends sections 475.10 and 1205.00 to establish regulations for recreational fires. Second by Roy. Motion passed 4-0.

7. NEW BUSINESS

- A. Consider: Authorizing Request for Proposals for Recycling Service Provider

Motion by Fletcher to approve the request for proposals for citywide recycling services as presented in the 02-04-15 council packet. Second by Cook. Motion passed 4-0.

- B. Consider: Annual Hennepin County Recycling Grant Application, Reports, and Activities

Motion by Kind to direct the city clerk to submit an updated Hennepin County Recycling Program grant application by February 15, 2015 consisting of the Re-TRAC web-based report and the planning document that describes the programs and activities the city has implemented to increase recycling and make progress toward the county's goals. The updated grant application also shall include copies of the two reports from Vintage Waste: (1) 2014 October household participation report. (2) 2014 year-end report including types of recycling and tonnage. And further direct the city clerk to request the appropriate number of copies of the county's recycling guide to be inserted in the next city utility mailing. Second by Fletcher. Motion passed 4-0.

8. OTHER BUSINESS

- A. None

9. COUNCIL REPORTS

- A. Cook: Planning Commission, Sewer Study, Traffic Committee
B. Fletcher: Lake Minnetonka Communications Commission, Fire
C. Kind: Police, Administration, Mayors' Meetings, Website
D. Quam: Roads & Sewers, Mtka Comm Education, St. Alban's Bay Bridge, Traffic Committee

Motion by Kind to appoint Councilman Bob Quam and Councilman Bill Cook to the St. Alban's Bay Bridge Committee. Second by Fletcher. Motion passed 4-0.

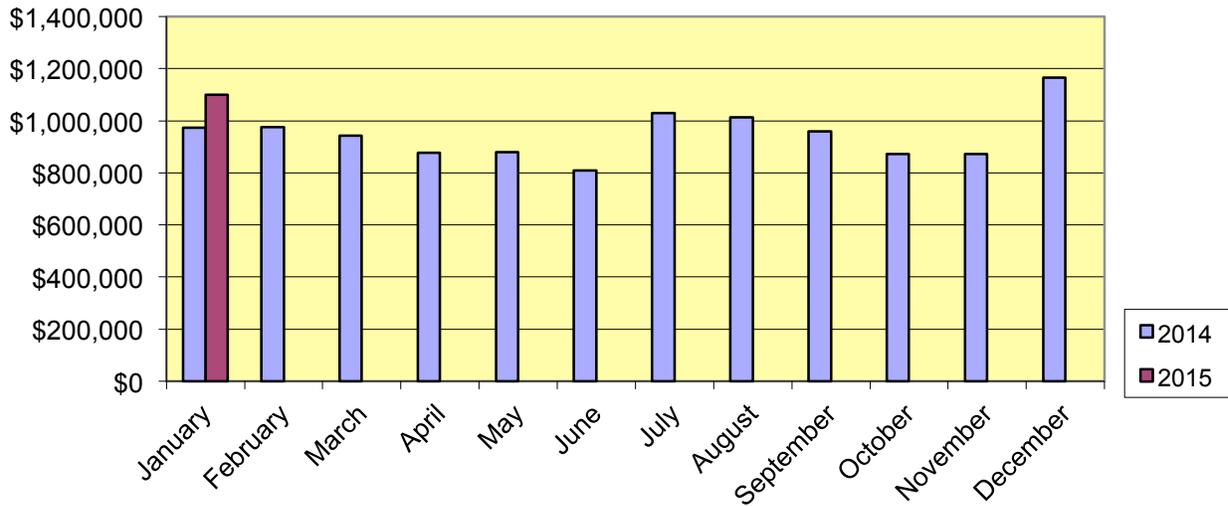
- E. Roy: Lake Minnetonka Conservation District, Lake Improvement District

10. ADJOURNMENT

Motion by Kind to adjourn the meeting at 8:06pm. Second by Cook. Motion passed 4-0.

This document is intended to meet statutory requirements for city council meeting minutes. A video recording was made of the meeting, which provides a verbatim account of what transpired. The video recording is available for viewing on LMCC TV channel 8 for 1 month, at www.lmcc-tv.org for 1 year, and on DVD at the city office (permanent archive).

City of Greenwood Monthly Cash Summary



Month	2014	2015	Variance with Prior Month	Variance with Prior Year
January	\$973,698	\$1,100,038	-\$65,893	\$126,340
February	\$976,134	\$0	-\$1,100,038	-\$976,134
March	\$942,468	\$0	\$0	-\$942,468
April	\$878,040	\$0	\$0	-\$878,040
May	\$879,272	\$0	\$0	-\$879,272
June	\$808,884	\$0	\$0	-\$808,884
July	\$1,029,060	\$0	\$0	-\$1,029,060
August	\$1,013,814	\$0	\$0	-\$1,013,814
September	\$960,083	\$0	\$0	-\$960,083
October	\$872,707	\$0	\$0	-\$872,707
November	\$871,871	\$0	\$0	-\$871,871
December	\$1,165,931	\$0	\$0	-\$1,165,931

Bridgewater Bank Money Market	\$472,595
Bridgewater Bank Checking	\$7,650
Beacon Bank CD	\$405,067
Beacon Bank Money Market	\$209,723
Beacon Bank Checking	\$5,003
<hr/>	
	\$1,100,038

ALLOCATION BY FUND

General Fund	\$410,764
Special Project Fund	\$0
General Fund Designated for Parks	\$27,055
Bridge Capital Project Fund	\$118,463
Road Improvement Fund	\$40,000
Stormwater Fund	\$6,989
Sewer Enterprise Fund	\$454,459
Marina Enterprise Fund	\$42,309
<hr/>	
	\$1,100,038

GREENWOOD CERTIFICATES OF DEPOSIT

Report Date: 1/31/15

Acct #	Bank	Date	Term	Maturity	Rate	Amount
101-10408	Beacon Bank	04/05/14	12 month	04/05/15	0.40%	\$ 61,175.40
101-10411	Beacon Bank	09/22/14	9 month	06/22/15	0.50%	\$ 80,000.00
101-10409	Beacon Bank	08/05/14	12 month	08/05/15	0.40%	\$ 61,176.52
101-10412	Beacon Bank	09/22/14	13 month	10/22/15	0.70%	\$ 80,139.74
101-10410	Beacon Bank	11/06/14	13 month	12/06/15	0.70%	\$ 61,015.69
101-10407	Beacon Bank	01/04/15	13 month	02/04/16	0.70%	\$ 61,560.14
TOTAL						\$ 405,067.49

CITY COUNCIL POLICY: 09-03-14 Motion by Roy to authorize the administrative committee to open CDs with a maximum initial maturity of 25 months with a combined maximum total CD balance of \$500,000 at Beacon Bank or Bridgewater Bank. Second by Cook. Motion passed 5-0.

Check Issue Date(s): 02/01/2015 - 02/28/2015

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
02/15	02/03/2015	12470	51	BOLTON & MENK, INC.	602-20100	1,534.00
02/15	02/03/2015	12471	9	CITY OF DEEPHAVEN	101-20100	3,708.83
02/15	02/03/2015	12472	816	LABEL PRODUCTS	101-20100	404.11
02/15	02/03/2015	12473	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	196.61
02/15	02/03/2015	12474	745	Vintage Waste Systems	101-20100	1,628.25
02/15	02/03/2015	12475	145	XCEL ENERGY	602-20100	249.47
02/15	02/18/2015	12476	761	DEBRA KIND	101-20100	93.33
02/15	02/18/2015	12477	822	ECM PUBLISHERS INC	101-20100	94.95
02/15	02/18/2015	12478	68	GOPHER STATE ONE CALL	602-20100	14.50
02/15	02/18/2015	12479	3	KELLY LAW OFFICES	101-20100	115.00
02/15	02/18/2015	12480	841	LAW OFFICE GREGORY E KELLER PA	101-20100	609.50
02/15	02/18/2015	12481	255	LMC INSURANCE TRUST	101-20100	67.00
02/15	02/18/2015	12482	105	METRO COUNCIL ENVIRO SERVICES	602-20100	1,912.42
02/15	02/18/2015	12483	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	15,586.42
02/15	02/18/2015	12484	145	XCEL ENERGY	101-20100	393.42
Totals:						<u>26,607.81</u>

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Vendor No	Invoice No	Description	Inv Date	Invoice Amt	Disc Amt	Check Amt	Check No	Chk Date
3	KELLY LAW OFFICES							
	6319	GENERAL LEGAL	02/05/2015	115.00	.00	115.00	12479	02/18/2015
Total 3				115.00	.00	115.00		
9	CITY OF DEEPPHAVEN							
	JAN 2015	ZONING	01/31/2015	3,708.83	.00	3,708.83	12471	02/03/2015
Total 9				3,708.83	.00	3,708.83		
38	SO LAKE MINNETONKA POLICE DEPT							
	FEB 2015	OPERATING BUDGET EXPENSE	02/01/2015	15,586.42	.00	15,586.42	12483	02/18/2015
	JAN 21 2015	COURT OVERTIME	01/21/2015	196.61	.00	196.61	12473	02/03/2015
Total 38				15,783.03	.00	15,783.03		
51	BOLTON & MENK, INC.							
	0173808	2014 MISC ENGINEERING	12/31/2014	592.00	.00	592.00	12470	02/03/2015
	0173809	2014 DEVELOPMENT REVIEW	12/31/2014	104.00	.00	104.00	12470	02/03/2015
	0173810	2014 MS4 ADMN	12/31/2014	397.00	.00	397.00	12470	02/03/2015
	0173811	2014 I/I REDUCTION GRANT APP	12/31/2014	441.00	.00	441.00	12470	02/03/2015
Total 51				1,534.00	.00	1,534.00		
68	GOPHER STATE ONE CALL							
	132079	Gopher State calls	01/31/2015	14.50	.00	14.50	12478	02/18/2015
Total 68				14.50	.00	14.50		
105	METRO COUNCIL ENVIRO SERVICES							
	0001040462	Monthly wastewater Charge	02/04/2015	1,912.42	.00	1,912.42	12482	02/18/2015
Total 105				1,912.42	.00	1,912.42		
145	XCEL ENERGY							
	012615	LIFT STATION #1	01/26/2015	240.41	.00	240.41	12475	02/03/2015
	012815	Sleepy Hollow Road *	01/28/2015	9.06	.00	9.06	12475	02/03/2015
	020315	Street Lights *	02/03/2015	393.42	.00	393.42	12484	02/18/2015
Total 145				642.89	.00	642.89		
255	LMC INSURANCE TRUST							
	29181	VOLUNTEER ACCIDENT PLAN	01/31/2015	67.00	.00	67.00	12481	02/18/2015
Total 255				67.00	.00	67.00		
745	Vintage Waste Systems							
	012615	City Recycling Contract	01/26/2015	1,628.25	.00	1,628.25	12474	02/03/2015

Vendor No	Invoice No	Description	Inv Date	Invoice Amt	Disc Amt	Check Amt	Check No	Chk Date
Total 745				<u>1,628.25</u>	<u>.00</u>	<u>1,628.25</u>		
761	DEBRA KIND							
	020915	NAME TAGS	02/09/2015	<u>93.33</u>	<u>.00</u>	<u>93.33</u>	12476	02/18/2015
Total 761				<u>93.33</u>	<u>.00</u>	<u>93.33</u>		
816	LABEL PRODUCTS							
	74235	PARKING STICKERS	01/29/2015	<u>404.11</u>	<u>.00</u>	<u>404.11</u>	12472	02/03/2015
Total 816				<u>404.11</u>	<u>.00</u>	<u>404.11</u>		
822	ECM PUBLISHERS INC							
	185671	LEGAL NOTICE	02/05/2015	<u>50.27</u>	<u>.00</u>	<u>50.27</u>	12477	02/18/2015
	185672	LEGAL NOTICE	02/05/2015	<u>44.68</u>	<u>.00</u>	<u>44.68</u>	12477	02/18/2015
Total 822				<u>94.95</u>	<u>.00</u>	<u>94.95</u>		
841	LAW OFFICE GREGORY E KELLER PA							
	013015	PROSECUTION BILL	01/30/2015	<u>609.50</u>	<u>.00</u>	<u>609.50</u>	12480	02/18/2015
Total 841				<u>609.50</u>	<u>.00</u>	<u>609.50</u>		
Grand Totals:				<u><u>26,607.81</u></u>	<u><u>.00</u></u>	<u><u>26,607.81</u></u>		

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Description	GL Account	Amount
03/01/15	PC	03/01/15	3011501	COOK, WILLIAM B.	37		001-10100	184.70
03/01/15	PC	03/01/15	3011502	Fletcher, Thomas M	33		001-10100	84.70
03/01/15	PC	03/01/15	3011503	Kind, Debra J.	34		001-10100	277.05
03/01/15	PC	03/01/15	3011504	Quam, Robert	32		001-10100	184.70
03/01/15	PC	03/01/15	3011505	ROY, ROBERT J.	38		001-10100	184.70
Grand Totals:								<u>915.85</u>



Agenda Number: 4A

Agenda Date: 03-04-15

Prepared by Deb Kind

Agenda Item: 2014 Audit Report

Summary: CliftonLarsonAllen has completed the 2014 audit. Hard copies of the audit documents are included in the council packet and are available for viewing at city hall. The administrative committee (Mayor Deb Kind and Councilman Tom Fletcher) met with the auditors during the audit process and offered the responses on behalf of management that are included in the report.

The audit team from CliftonLarsonAllen will present the 2014 audit report at the 03-04-15 council meeting.

Council Action: Council action required. Potential motions ...

1. I move the council approves the 2014 audit report as presented by CliftonLarsonAllen.
2. I move the council approves the 2014 audit report as presented by CliftonLarsonAllen, with the following comments: _____.



Agenda Number: **6A**

Agenda Date: **03-04-15**

Prepared by *Deb Kind*

Agenda Item: Discuss Next Steps Regarding St. Alban's Bay Lake Improvement District

Summary: St. Alban's Bay Captain Rob Roy has been leading the effort to establish a St. Alban's Bay Lake Improvement District (SABLID). The next steps in the process are listed on the timeline below. The following names have been submitted for council consideration for appointment to the initial SABLID Board ...

Initial Directors

1. Mike Bogen
2. Bill Slattery (willing to serve as chair)
3. Aaron Bean
4. Tom Fletcher
5. To be determined

Ex-Officio Director

1. Rob Roy

Timeline: The next steps in the process for the city council's reference ...

~~02-04-15 The Greenwood city council approved Excelsior's revisions to the Joint Cooperation Agreement.~~

~~02-05-14 Mayor Kind and City Clerk Karpas signed and delivered 3 copies of the Joint Cooperation Agreement to Excelsior. (1) For Excelsior's files. (2) For Greenwood's files. (3) For the MN DNR's files.~~

~~02-05-15 Mayor Kind notified Hennepin County Commissioner Callison that the JCA was approved by both cities.~~

~~02-05-15 Councilman Fletcher notified the DNR that the JCA was approved by both cities.~~

~~__-__-15 Excelsior signs 3 copies of the final Joint Cooperation Agreement: (1) For Excelsior's files. (2) For Greenwood's files. (3) For the MN DNR's files.~~

~~__-__-15 The final signed Joint Cooperation Agreement is scanned and emailed to Commissioner Callison for the county's records.~~

~~__-__-15 The final signed Joint Cooperation Agreement is mailed to the MN DNR for their records.~~

03-04-15 Greenwood appoints 5 initial directors, 1 ex-officio director, and an interim chair for the SABLID.

03-04-15 Greenwood adopts a Fiduciary Statement of Duties (request for proposal).

~~__-__-15 Excelsior appoints 2 initial directors, 1 ex-officio director, and an interim chair for the SABLID.~~

~~__-__-15 Excelsior adopts a Fiduciary Statement of Duties (request for proposal).~~

~~__-__-15 Greenwood appoints a Fiduciary Agent for the SABLID.~~

~~__-__-15 Excelsior appoints a Fiduciary Agent for the SABLID.~~

Council Action: No action is required. Suggested motions ...

2. I move the Greenwood council approves the slate of 5 initial directors (Mike Bogen, Bill Slattery, Aaron Bean, Tom Fletcher, and _____) and 1 ex-officio director (Rob Roy) as presented and recommends that Bill Slattery serve as the interim chair of the St. Alban's Bay Lake Improvement District. And further directs the city clerk to send a copy of this motion to the Excelsior city manager to inform Excelsior of Greenwood's action.
3. I move the Greenwood city council approves the Fiduciary Statement of Duties (request for proposal) dated 02-25-15, and further directs the city clerk to send a copy to the Excelsior city manager to request Excelsior's approval of the document.
4. Do nothing or other motion ???

St. Alban's Bay Lake Improvement District Fiduciary Agent Statement of Duties / Request for Proposal

FIDUCIARY AGENT STATEMENT OF DUTIES

The following are the typical services that are provided as the Fiduciary Agent for the St. Alban's Bay Lake Improvement District (SABLID). This listing is not all-inclusive and shall not be interpreted as representative of all services.

Accounts Receivable

- Provide monthly billing of receivables
- Provide Hennepin County with the annual information, which it needs to perform property assessments
- Receive property assessment payments from Hennepin County

Accounts Payables

- Pay invoices at least monthly in accordance with SABLID Board Policy
- Provide monthly payables listing to SABLID Board

Financial & Budget Management

- Provide quarterly accounting for all District Funds
- Reconcile monthly bank statements
- Provide quarterly financial and budget reports to the Board
- Invest idle funds according to SABLID Investment Policy
- Assist the auditors in preparation of the annual financial statements

Insurance

- Submit property and liability insurance forms for annual renewal
- Submit workers compensation insurance forms for annual renewal
- Process property, liability, and workers compensation claims

Record Retention

- Retention of records

Required Meetings

- Attendance at the Annual Board and property owner meeting

Other

- Other related duties and responsibilities

REQUEST FOR PROPOSAL

If your organization is interested in providing a proposal for the Fiscal Agent Services, please provide the following:

1. Proposal specifics
2. Terms of the proposal (SABLID would like to consider a minimum 3-year proposal)
3. Cost Summary
4. Contact information

The proposals will be jointly considered by the cities of Greenwood and Excelsior.

Upon acceptance of the proposal, the parties will enter into a mutually agreeable Fiscal Agent Services Agreement



Agenda Number: **7A**

Agenda Date: **03-04-15**

Prepared by *Deb Kind*

Agenda Item: Consider Resolution 03-15 Conditional Use Permit Findings of Fact for Peter and Kim Johnson, 5085 Highview Place

Summary: The planning commission considered public comment, applicant's comments, application materials, staff report, and city code section conditional use permit criteria (section 1150.20) when making their recommendation and suggested condition. See the FYI section of the council packet for a copy of planning commission minutes. For the city council's reference, copies of the staff report (including the planning commission motion) and application materials are attached. A resolution with findings of fact also is attached.

Key Dates:

Application complete	January 14, 2015
Notice of Public Hearing published	February 5, 2015
Planning Commission Public Hearing	February 18, 2015
City Council Consideration	March 4, 2015
60-Day Deadline	March 15, 2015
120-Day Deadline (if necessary)	May 14, 2015

Council Action: Required. Suggested motions ...

1. I move the city council adopts resolution 03-15 laying out the findings of fact for the Conditional Use Permit application of Peter and Kim Johnson, 5085 Highview Place. I further move that the council directs the city clerk to mail a copy of the findings to the applicant and the DNR, and place an Affidavit of Mailing for each of the mailings in the property file.
2. I move the city council adopts resolution 03-15 laying out the findings of fact for the Conditional Use Permit application of Peter and Kim Johnson, 5085 Highview Place with the following revisions: _____. I further move that the council directs the city clerk to mail a copy of the findings to the applicant and the DNR, and place an Affidavit of Mailing for each of the mailings in the property file.
3. I move the city council directs city staff to exercise the city's option to take 60 additional days to process the Conditional Use Permit application of Peter and Kim Johnson, 5085 Highview Place by mailing written notice and placing an Affidavit of Mailing in the property file. The written notice shall state the reason for the extension is:
_____.

MN statute 15.99 requires a council decision within 60 days. 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).



Staff Report

Agenda Date: 03-04-15

Prepared by Gus Karpas

City Zoning Administrator

Agenda Item: Consider Conditional Use Request of Peter and Kim Johnson, 5085 Highview Place

Summary: Peter and Kim Johnson have submitted an application requesting a conditional use permit to construct a swimming pool on their residentially zoned property.

Section 1125:05(3)(c) of the Zoning Ordinance permits the construction of a permanent in-ground, at-grade swimming pool for the use and convenience of the residents and their guests with the issuance of a Conditional Use Permit.

Section 1125:15 of the Zoning Ordinance outlines the required setbacks for accessory structures.

	Front Setback	North Side Yard	South Side Yard	Rear Yard	Impervious Surface Area
Permitted/Required	Not Permitted	5'	5'	10'	30%
Proposed	N/A	58'	15'	19'	29.9%

The proposal was reviewed by the City Engineer and complies with the maximum grade alteration permitted in Section 1140.10 and the maximum permitted impervious surface area in Section 1176:04(3)(a) .

STAFF RECOMMENDATION:

Staff recommends **approval** of the application of Peter and Kim Johnson for the Conditional Use Permit to construct a permanent in-ground, at-grade swimming pool at the property located 5085 Highview Place, as presented. The proposal meets the criteria outlined in Section 1150.20 of the ordinance in that; a) the proposed swimming pool complies with the specified regulations of the district in which it is located; b) the use is a permitted conditional use in the R-2 zoning district; c) the use would not be detrimental to or endanger the general welfare of the neighborhood or city; d) the use is harmonious with the objective of the comprehensive plan since it is a residential use; e) the use will not be hazardous or disturbing to existing or future neighboring uses; f) the use will be adequately served by essential public facilities and services; g) there will be no excessive additional costs for public facilities or service and will not be detrimental to the economic welfare of the community; h) the proposed use will not include uses that would be detrimental to any persons due to traffic, noise, smoke fumes, glare or odors; i) the use will not create traffic congestion; j) there will be no loss or damage of any natural, scenic or historic features; and k) the use will not depreciate surrounding property values.

Planning Commission Action: Commissioner Bechtell moved the Planning Commission recommends the council accept the findings recommendation of staff to approve the application of Peter and Kim Johnson for the Conditional Use Permit to construct a permanent in-ground, at-grade swimming pool at the property located 5085 Highview Place, as presented. The proposal meets the criteria outlined in Section 1150.20 of the ordinance in that; a) The proposed swimming pool complies with the specified regulations of the district in which it is located; b) The use is a permitted conditional use in the R-2 zoning district; c) The use would not be detrimental to or endanger the general welfare of the neighborhood or city; d) The use is harmonious with the objective of the comprehensive plan since it is a residential use; e) The use will not be hazardous or disturbing to existing or future neighboring uses; f) The use will be adequately served by essential public facilities and services; g) There will be no excessive additional costs for public facilities or service and will not be detrimental to the economic welfare of the community; h) The proposed use will not include uses that would be detrimental to any persons due to traffic, noise, smoke fumes, glare or odors; i) The use will not create traffic congestion; j) There will be no loss or damage of any natural, scenic or historic features; and k) The use will not depreciate surrounding property values.

The motion is conditioned that the pool be screened from adjacent properties and the public right of ways through fencing or natural vegetation.

Chairman Lucking seconded. Motion carried 4-0.

Council Action: Action required by March 14, 2015. Suggested motions ...

1. I move the council accept the recommendation and findings of the Planning Commission and staff to approve the application of Peter and Kim Johnson for the Conditional Use Permit to construct a permanent in-ground, at-grade swimming pool at the property located 5085 Highview Place, as presented. The proposal meets the criteria outlined in Section 1150.20 of the ordinance in that; a) The proposed swimming pool complies with the specified regulations of the district in which it is located; b) The use is a permitted conditional use in the R-2 zoning district; c) The use would not be detrimental to or endanger the general welfare of the neighborhood or city; d) The use is harmonious with the objective of the comprehensive plan since it is a residential use; e) The use will not be hazardous or disturbing to existing or future neighboring uses; f) The use will be adequately served by essential public facilities and services; g) There will be no excessive additional costs for public facilities or service and will not be detrimental to the economic welfare of the community; h) The proposed use will not include uses that would be detrimental to any persons due to traffic, noise, smoke fumes, glare or odors; i) The use will not create traffic congestion; j) There will be no loss or damage of any natural, scenic or historic features; and k) The use will not depreciate surrounding property values.
2. I move the council deny the application of Peter and Kim Johnson for the Conditional Use Permit to construct a permanent in-ground, at-grade swimming pool at the property located 5085 Highview Place, as presented. The applicant has not met the following criteria in Section 1150.20 of the ordinance; _____.
3. I move the council direct staff to immediately draft written notice to Peter and Kim Johnson stating the Council needs to extend the 60-day time limit to May 14, 2015 for the following reason(s) _____.

KEY DATES:

Application complete:	January 14, 2015
Notice of Public Hearing published:	February 5, 2015
Planning Commission Public Hearing:	February 18, 2015
City Council Consideration:	March 4, 2015
60-Day Deadline:	March 15, 2015
120-Day Deadline (if necessary):	May 14, 2015

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).

RESOLUTION NO 03-15

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA
ACTING AS THE BOARD OF APPEALS & ADJUSTMENTS**

In Re: Application of Peter and Kim Johnson, 5085 Highview Place for a conditional use permit under Greenwood ordinance code section 1125.05(3)(c) and 1150.20 to permit the construction of a permanent in-ground, at-grade swimming pool

WHEREAS, Peter and Kim Johnson, are the owners of property commonly known as 5085 Highview Place, Greenwood, Minnesota 55331 (PID No. 26-117-23-42-0085) in conformance with Greenwood ordinance code sections 1125.05(3)(c) and 1150.20 has made application for a conditional use permit (CUP); and

WHEREAS, the applicant proposes to construct a permanent in-ground, at-grade swimming pool; and

WHEREAS, notice of a public hearing was published, notice given to neighboring property owners, and a public hearing was held before the planning commission to consider the application; and

WHEREAS, public comment was taken at the public hearing before the planning commission on February 18, 2015; and

WHEREAS, the city council of the city of Greenwood has received the staff report, the recommendation of the planning commission, and considered the application, the comments of the applicant, and the comments of the public.

NOW, THEREFORE, the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments does hereby make the following:

FINDINGS OF FACT

1. That the real property located at 5085 Highview Place, Greenwood, Minnesota 55331 (PID No. 26-117-23-42-0085) is a single-family lot of record located within the R1A district.
2. Pursuant to Greenwood ordinance code sections 1125.05(3)(c), the property owner proposes to construct a permanent in-ground, at-grade swimming pool, which requires the property owner to apply for a CUP.
3. Pursuant to Greenwood ordinance code section 1150.20, subd. 3, Conditional Use Permits (general regulations), the city council may impose such conditions and safeguards upon the property benefitted by a CUP as may be necessary to maintain compatibility with other properties in the neighborhood.
4. Greenwood ordinance section 1150.20, subd 1 states:
“Subd. 1. The planning commission shall make findings and recommendations to the city council. The council may then authorize a conditional use by resolution provided the evidence presented is such as to establish:
 - (a) That the proposed use will comply with the regulations specified in this ordinance for the district in which the proposed use is to be located.
 - (b) That the use is one of the conditional uses permitted for the district in which it is to be located.
 - (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 use will be harmonious with the objectives of the comp plan.
 - (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.”
6. The applicant asserts that the proposed CUP request complies with CUP standards in Greenwood ordinance section 1150.20, subd 1.
 7. The planning commission discussed the CUP request and on a 4-0 vote recommended approval because the proposed CUP request complies with the CUP standards in Greenwood ordinance section 1150.20, subd 1 if the following reasonable and necessary condition relating to the present request are made a condition of approval:
 - (a) The pool be screened from adjacent properties and the public right of ways through fencing or natural vegetation.
 8. Based on the foregoing, the city council determined that the proposed CUP request complies with the CUP standards in Greenwood ordinance section 1150.20, subd 1 if the following reasonable and necessary conditions relating to the present request are made a condition of approval:
 - (a) The pool be screened from adjacent properties and the public right of ways through fencing or natural vegetation.
 - (b) The project must be completed according to the specifications and design requirements in the submitted plans.
 - (c) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the city council acting as the Board of Appeals & Adjustments makes the following conclusions of law:

1. The applicant has made an adequate demonstration of facts meeting the standards of sections 1125.05(3)(c) and 1150.20 necessary for the grant of a CUP.
2. The CUP requested is reasonable and should be granted on the following conditions:
 - (a) The pool be screened from adjacent properties and the public right of ways through fencing or natural vegetation.
 - (b) The project must be completed according to the specifications and design requirements in the submitted plans.
 - (c) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments that the city of Greenwood does hereby grant and issue a Conditional Use Permit to the applicant for the subject property to construct a permanent in-ground, at-grade swimming pool on the following conditions:

- (a) The pool be screened from adjacent properties and the public right of ways through fencing or natural vegetation.
- (b) The project must be completed according to the specifications and design requirements in the submitted plans.
- (c) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

PASSED this ____ day of _____, 2015 by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments for the city of Greenwood, Minnesota.

____ AYES ____ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

Conditional Use Permit & Variance Checklist



Person completing form: Property Owner Builder / Architect
 If you prefer to complete this form electronically, it is available at www.greenwoodmn.com.

Property Owner(s)	Peter + Kim Johnson
Property Address	5085 Highview Place, Greenwood

- Submitted Accepted
- Consult with the zoning administrator to determine which ordinances and procedures apply to your application. Unless waived by the zoning administrator you must provide all of the following items with conditional use permit (CUP) or variance applications. Incomplete applications will be rejected. *If you prefer to complete this form electronically, it is available for downloading at www.greenwoodmn.com.*
- Complete conditional use permit (CUP) or variance application form. *Paid Shoreland Management as part of previous bldg. permit app.*
 - Pay nonrefundable CUP and / or variance application fee. **Fee: \$400 variance, \$400 CUP.** Note: Consultant and contract service provider expenses incurred by the city in excess of the base fee amount will be invoiced to the applicant.
 - Pay nonrefundable shoreland compliance review fee. Required for all properties within 1,000 feet of the OHW of Lake Minnetonka. **Fee: \$200** (section 1176.03, subd. 10). The city will send copies of public hearing notices to the DNR at least 10 days before the hearing (section 1176.07, subd. 4).
 - One full-size scalable certified survey and one 11 x 17 copy that includes:
 - Legal description and street address. ✓
 - Parcel size in acres and square feet. ✓
 - Topography of the site – for major construction delineate grading and drainage plan with contours at 2-foot intervals. ✓
 - Location and dimensions of all the existing improvements, including: buildings, structures, retaining walls, steps, parking areas, driveways, storage areas, utilities, and wells. ✓
 - Location and dimension of all proposed buildings and structures. ✓
 - Impervious surface calculations – existing and proposed – % and square footage. ✓
 - Outline of “building pad” setbacks according to the ordinance provisions and show the closest distance between the buildings and front, side, lake and rear lot lines. ✓
 - Distance between principal buildings and accessory buildings and structures. ✓
 - Building volume, building height, and structure height calculations (section 1140.18). ✓
 - Delineate all wetland, OHW of lakes, 50ft lake setback line, bluffs, 30ft bluff setback line, easements, and driveways. ✓ *NA*
 - Significant tree conditions and all significant trees proposed to be removed. *None removed as part of request.*
 - One large-scale drawing, one 11x 17 copy of the proposed structure elevations on all sides. Indicate structure height at the roof peak. Scale must be appropriate for the size of the project (eg: 1 inch = 10 feet or 1 inch = 20 feet).
 - NA* One 11 x 17 copy of the floor plan(s) – existing and proposed.
 - Stake the location in the field of proposed buildings, structures, and lot lines. *Site currently under construction - unable to mark location*
 - NA* Tree preservation plan if applicable (section 1140.80). *No trees removed*
 - Lighting plan for sports courts, pools, new home construction, accessory buildings, driveways, and parking if applicable. *Lighting description included*

Notices and Reminders:

1. The application and related materials are due by the published deadline (available from the zoning administrator or at www.greenwoodmn.com click on “meetings”).
2. The city has the right to require additional plans or information as necessary.
3. All plans, applications, and written information become public information, and will be used in planning commission and council staff reports and distributed to the public.
4. Submittal of an application grants the city permission to physically enter, inspect, and photograph the property.
5. The planning commission typically meets on the third Wednesday of each month to hold the public hearing and make a recommendation to the city council; the city council typically meets on the first Wednesday of the following month to make the final decision. Applicants are encouraged to attend both the planning commission and city council meetings.
6. Public notices will be published in the designated paper and notice will be sent to residents within 350 feet of the subject property.
7. If approval is granted, you may apply for a building permit. Tree removal, land alteration and wetland alteration all require separate permits and approvals from the city.
8. If a variance is granted and not used within one year after the date of the council approval, the variance will expire unless extended by the city zoning administrator or city council. If a final inspection (in the case of remodeling), or an occupancy permit (in the case of new construction), is not obtained within one year from the date that the building permit is issued, the variance also will expire unless extended by the city administrator or city council.
9. By state statute the city has 60 days from the acceptance of an application deemed complete to review and rule on the application. If additional time is needed, the city may elect an additional 60 days to review (MN statute 15.99).
10. Conditional use permits and variances, if granted, may be subject to conditions imposed by the city council (board of appeals and adjustments) imposed at the time of approval (section 1150 & 1155).

Quick Reference for Completing Variance Application:

	R1A	R1B	R2
Minimum Lot Size (sq ft)	15,000	20,000	10,000
Maximum Hardcover	30%	30%	30%
Minimum Principal Structure (feet)			
Front Setback	30	35	30
Rear Setback	35	60	35
Interior Side Setback	15	15	10
Exterior Side Setback	30	35	30
Lakeshore Setback	50	50	50
Minimum Accessory Structure (feet)			
Front Setback	NA	35	NA
Rear Setback	10	10	10
Interior Side Setback	10	10	5
Exterior Side Setback	35	35	30
Lakeshore accessory structures not allowed			
Maximum Building Height (feet)	28	28	28
Maximum Structure Height (feet)	42	42	42
Maximum Accessory Height (feet)	15	15	15
Minimum Bluff Setback (feet)	30	30	30
Minimum Width of Single Family Dwelling (feet)	25	25	25

Maximum Above Grade Building Volume (cubic feet):

- (1) Lots of 7500 square feet or less in area may be host to buildings, structures, and accessory structures whose above grade building volume is not greater than a volume equal to 6 times the lot area.
- (2) Lots between 7500 square feet and 15,000 square feet in area may be host to buildings, structures, and accessory structures whose above grade building volume is not greater than a volume equal to 42,000 cubic feet plus a volume of cubic feet equal to a figure 4 times (lot area minus 7500 square feet).
- (3) Lots greater than 15,000 square feet in area may be host to buildings, structures, and accessory structures whose above grade building volume is not greater than a volume equal to 75,000 cubic feet plus a volume of cubic feet equal to a figure 2 times (lot area minus 15,000 square feet).

Key Dates – For Office Use Only:

Deadlines and meeting schedule given to applicant	1/14/15
Materials received (60-day clock starts)	1/14/15
Deadline to mail incomplete notice to applicant (within 10 workdays from date materials received)	1/29/15
Date of 60-day deadline	3/15/15
Planning commission meeting (public hearing)	2/18/15
Date of city notice to extend 60-day deadline by another 60 days (if applicable)	5/14/15
Final findings mailed to DNR	

Conditional Use Permit Application



Person completing form: Property Owner Builder / Architect
 If you prefer to complete this form electronically, it is available at www.greenwoodmn.com.

Date application submitted	January, 2015	
Date application complete (office use only)		
Property address	5085 Highview Place, Greenwood	
Property identification number (PID)	26-117-23-42-0085	
Property owner's current mailing address	249 Mill Street, Excelsior, Mn. 55331	
Names of all property owners	Peter W Johnson	Kim F Johnson
Cell phone and email of property owner(s)	612-741-1907	612 644 5690
Name of builder / architect (if any)	Larry Kuperus	Jeremy Peterson
Company name of builder / architect	LDK Builders	Peterson Pools
Cell phone and email of builder / architect	763-268-9232	
Company address	8242 125th Ave, Milaca	13110 Excelsior Blvd., Mtlca 55343
Present use of property	Residential 56353	
Property acreage	.26 acres / 11,574 sq. ft.	
Existing variances or conditional use permits	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes - please attach a copy	
Request is for	<input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Addition <input type="checkbox"/> Remodel <input type="checkbox"/> Replace <input type="checkbox"/> Other:	
The CUP is being requested to (e.g. install a swimming pool)	Install a swimming pool (CUP) Construct a deck (variance)	

Making your case for the grant of a conditional use permit: The planning commission shall make findings and recommendations to the city council. The council may then authorize a conditional use by resolution provided the evidence presented complies with the city conditional use permits ordinance section 1150 (view at city hall or at www.greenwoodmn.com). The council may impose such conditions and safeguards upon the premises benefited by a conditional use permit as may be necessary to maintain compatibility with other properties in the neighborhood. Examples of conditions include, but are not limited to: controlling size and location of use, regulating ingress and egress, controlling traffic flow, regulating off-street parking and loading areas, location of utilities, berming, fencing, screening, landscaping, restricting hours of operation, controlling noise, controlling lighting, controlling odors, and compatibility of appearance. Violation of such conditions and safeguards, when made part of the terms under which the conditional use permit is granted, shall be deemed a violation of this ordinance and punishable under section 1180 et seq.

Please answer each of the below questions:

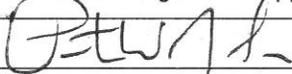
Will the proposed use comply with the regulations specified in the ordinance for the district in which the proposed use is to be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain:	Pool will comply with setback and hardcover limitations
Is the proposed use one of the conditional uses permitted for the district in which it is to be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain:	
Will the proposed use be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:	
Will the proposed use be harmonious with the objectives of the comp plan?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain:	
Will the proposed use be hazardous or disturbing to existing or future neighboring uses?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:	

Will the proposed use be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, sewer, schools?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain:
Will the proposed use create excessive additional requirements at public cost for public facilities and services or be detrimental to the economic welfare of the community?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:
Will the proposed use involve 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:
Will the proposed use have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain:
Will the proposed use result in the destruction, loss or damage of a natural, scenic or historic feature of major importance?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:
Will the proposed use unreasonably depreciate surrounding property values?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:

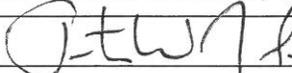
The applicant(s) contacted the following regulatory bodies and will seek approvals if required:

(1) Lake Minnetonka Conservation District 952.745.0789 (2) Minnehaha Creek Watershed District 952.471.0590

Applicant's acknowledgement and signature(s): The undersigned hereby submits this application for the described action by the city and is responsible for complying with all city requirements with regard to this request. This application should be processed in my name, and I am the party whom the city should contact about this application. The applicant certifies that the information supplied is true and correct to the best of their knowledge. The undersigned also acknowledges that before this request can be considered and / or approved, all required information and fees must be paid to the city, and if additional fees are required to cover costs incurred by the city, the city has the right to require additional payment from one or more of the undersigned, who shall be jointly liable for such fees. An incomplete application will delay processing and may necessitate rescheduling the review timeframe. The application timeline commences once an application is considered complete when all required information and fees are submitted to the city. The applicant recognizes that they are solely responsible for submitting a complete application and that upon failure to do so, recognizes city staff has no alternative but to reject the application until it is complete or to recommend denial regardless of its potential merit. A determination of completeness of the application shall be made within 10 business days of the application submittal. A written notice of application deficiencies shall be mailed to the applicant within 10 business days of application. I am the authorized person to make this application and the fee owner has also signed this application.

Signature: 	<i>Kim F Johnson</i>	Date: 1/8/15
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Property owner's acknowledgement and signature: The undersigned is the fee title owner of the page 1 described property. I acknowledge and agree to this application and further authorize reasonable entry onto the property by city staff, consultants, agents, planning commission members, and city council members for purposes of investigation and verification of this request.

Signature: 	<i>Kim F Johnson</i>	Date: 1/8/15
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Note: If the property owner is different than the applicant, signatures from the both the applicant and the property owner are required.

Variance Fee (nonrefundable)	\$400
Shoreland Management Review Fee (nonrefundable)	\$200
Total Amount Due (make check payable to the City of Greenwood)	\$600

For Office Use Only	Fee Paid: <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Check #:	Amount \$
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*Ornamental
fixtures*

RIGHT ELEVATION
1/8" = 1/0"

1 1/4"
1/2"

HARDIE LAP

HARDIE SHAKE

HARDIE LAP

MARKED GRADE
SINKING NOT SHOWN

STORAGE ACCESS
DBL. HANG. UDW
NOT SHOWN

10' HIGH ROCK WALL
AROUND LOOK OUT WINDOWS

VERIFY GRADE
VERIFY LOWER LEVEL WINDOWS

*Two down
cast, under
mounted
spot lights*



PETER & KIM JOHNSON

249 MILL STREET

EXCELSIOR, MINNESOTA 55331

Peter: (612) 741-1907 or peterj@peterwjohnson.com

Kim: (612) 644-5690 or kimjohnson3140@gmail.com

January 13, 2015

Planning Commission and City Council

City of Greenwood

20225 Cottagewood Road

Deephaven, MN 55331

Re: Conditional Use Permit for Swimming Pool at 5085 Highview Place, Greenwood, MN;

Greenwood Planning Commission and City Council,

We are building a new home at 5085 Highview Place. Kim & I started construction of our new home in late October and expect to have the home ready for occupancy in the middle of March. As constructed, the new home complies with all applicable Greenwood ordinances.

We plan to build a swimming pool south of the new home and the pool will also comply with all set back and hardcover limitations. We propose a swimming pool footprint that measures 22 feet by 35 feet. Within that footprint, our application seeks approval for a two foot wide concrete pool deck with the remainder being the pool basin. We propose to locate the swimming pool 15.13 feet from our south property line and 18.97 feet from our easterly property line.

The pool will be steel framed below ground with a vinyl liner. The pool will be equipped with an integrated under track auto cover and anti-vortex drains. The pool will be equipped with integrated steps in the shallow end and a ladder built into the pool wall in the deep end. The shallow end will be 3.5 feet deep and the deep end will be 9 feet deep.

The pool equipment (pump, heater and filter) will be placed on the east side of our home, immediately adjacent to the foundation. The equipment pad will not add materially to the existing hardcover created by the existing permitted steps and eaves. The equipment pad measures 2.5 feet by 7 feet.

The pool will have two integrated LED lights below the water surface which are designed primarily to light the pool bottom. Our home has wall mounted ornamental lighting adjacent to the four season porch and the grilling deck. These lights are not spot lights and will be equipped with 100 watt bulbs. There are also two down cast soffit mounted shielded spot lights immediately adjacent to the pool. These fixtures are mounted on the underside of a soffit situated approximately 16 feet above the pool deck and are designed to focus and direct light to the surface of the pool. These fixtures will each accommodate 100 watt two bulbs.

Very truly yours,



Peter Johnson

ADVANCE SURVEYING & ENGINEERING CO.

5300 S. Hwy. No. 101 Minnetonka, MN 55345 Phone (952) 474 7964 Fax (952) 225 0502 www.advsur.com

SURVEY FOR: PETER JOHNSON

SURVEYED: September 18, 2012 **DRAFTED:** September 20, 2012

REVISED: August 2, 2014 to show proposed dwelling, related improvements, grading, drainage and erosion control details for review.

REVISED: August 5, 2014 to show hardcover tabulation.

REVISED: October 13, 2014 to show revised home and pool location for review.

REVISED: October 24, 2014 to show revised 824 contour near southwest corner of home to avoid variance.

LEGAL DESCRIPTION OF ENTIRE PARCEL:

Lot 3, Block 1, Cottage Hill Addition, Hennepin County, Minnesota.

SCOPE OF WORK:

1. Showing the length and direction of boundary lines of the above legal description. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct, and that any matters of record, such as easements, that you wish shown on the survey, have been shown
2. Showing the location of existing improvements we deemed important.
3. Setting new monuments or verifying old monuments to mark the corners of the property.
4. Showing elevations on the site at selected locations to give some indication of the topography of the site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the map when determining other elevations for use on this site.
5. Showing your proposal to build a new home, related improvements, grading, drainage and erosion control details for your review and approval and for the review and approval of such governmental agencies as may have jurisdiction over your project before you use this survey to make any decisions.

STANDARD SYMBOLS & CONVENTIONS:

"●" Denotes 1/2" ID pipe with plastic plug bearing State License Number 9235, set, unless otherwise noted.

CERTIFICATION:

I hereby certify that this plan, specification, report or survey was prepared by me or under my direct supervision and that I am a licensed Professional Engineer and Professional Surveyor under the laws of the State of Minnesota.

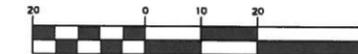
James H. Parker
James H. Parker P.E. & P.S. No. 9235 Date: October 24, 2014

LEGEND

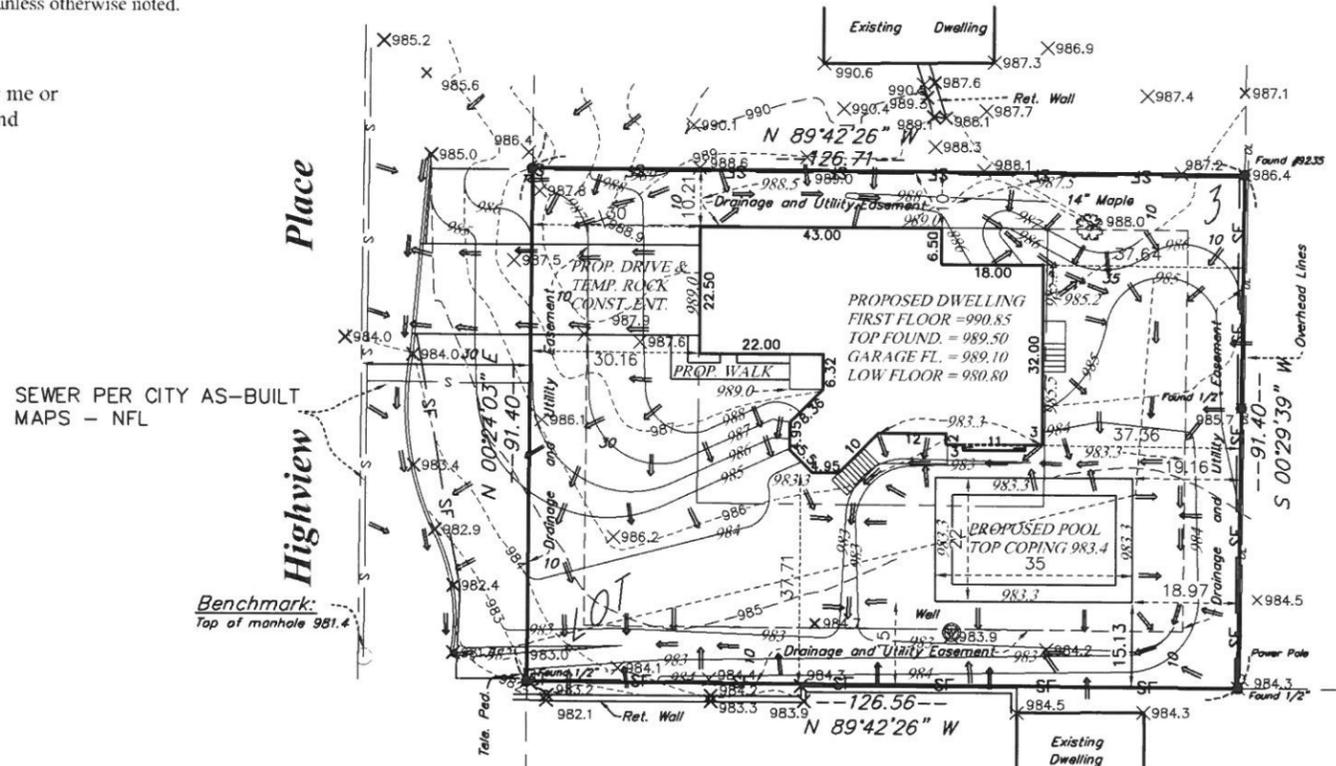
EXISTING CONTOUR	-----883-----
EXISTING SPOT ELEVATION	X 883.0
PROPOSED CONTOUR	——883——
PROPOSED ELEVATION/SPOT ELEVATION	---883---
DRAINAGE ARROW - FLOW	⇒
SILT FENCE/STRAW LOGS	— SF —



GRAPHIC SCALE



(IN FEET)



HARDCOVER TABULATION

HOUSE	1,992
DRIVE	481
WALK	83
DECK & STEPS	142
POOL	770

TOTAL HARDCOVER 3,468 SQ. FT.

LOT AREA 11,574 SQ. FT.
30% ALLOWABLE 3,472 SQ. FT.

UNDER 4 SQ. FT.

140576 2014 10 24 A JP PROPOSED

Gus Karpas

From: Chris Field <Chris.Field@genmills.com>
Sent: Tuesday, February 17, 2015 2:42 PM
To: guskarpas@mchsi.com
Subject: comments on pool installation on highview place

Hi Gus,

I hear from Maureen that the pool at 5085 is continuing as planned. I will not make the meeting tomorrow night as I am traveling. My biggest concern is the number of young children that we have (some with disabilities) who live on the block and surrounding Greenwood Circle. I know that it is not required by code but I would strongly advocate for a controlled access fence and gate surrounding the pool to prevent any of the kids from gaining unsupervised access to the pool.

Thanks for the opportunity to add comment on the construction. Can you please send a receipt for this email to make sure I have the correct address?

Thanks,

Chris Field
5075 highview place
763-370-6797

Gus Karpas

From: Maureen <mohogan@q.com>
Sent: Wednesday, February 18, 2015 9:57 AM
To: Gus Karpas
Subject: Re: Johnson Request

Hi Gus,

Thanks for sending all the PDF files re: the Johnson CUP proposal for construction of a swimming pool at 5085 Highview Place in Greenwood. As the neighbors directly to the south of their new construction (we reside at 5095 Highview Place) we would request an appropriate fence and/or landscape screen surrounding the pool area both for safety and privacy. The proposed pool will be 15 ft. from our lot line.

Thank you for your consideration .

Maureen Hogan
Tim Norman
5095 Highview Place
Greenwood

Sent from my iPad

On Feb 17, 2015, at 1:42 PM, Gus Karpas <guskarpas@mchsi.com> wrote:

Here you go. Let me know if you have any further questions.

GUS KARPAS
City Clerk / Zoning Administrator
City of Greenwood
20225 Cottagewood Road
Deephaven, MN 55331
Direct: 952.358.9938
Main: 952.474.6633

<Johnson Application.pdf>
<Johnson Checklist.pdf>
<Johnson Example.pdf>
<Johnson Lighting Description.pdf>
<Johnson Narrative.pdf>
<Johnson Site Plans.pdf>



Agenda Number: **7B**

Agenda Date: **03-04-15**

Prepared by Deb Kind

Agenda Item: Consider Resolution 04-15 Conditional Use Permit Findings of Fact and Resolution 05-15 Variance Findings of Fact for Mike and Deb Anderson, 5105 Weeks Road

Summary: The planning commission considered public comment, applicant's comments, application materials, staff report, and city code section conditional use permit criteria (section 1150.20) and variance standards (section 1155.10) when making their recommendation and suggested condition(s). See the FYI section of the council packet for a copy of planning commission minutes. For the city council's reference, copies of the staff report (including the planning commission motion) and application materials are attached. Separate resolutions with findings of fact for the CUP and variance also are attached.

Key Dates:

Application complete	January 14, 2015
Notice of Public Hearing published	February 5, 2015
Planning Commission Public Hearing	February 18, 2015
City Council Consideration	March 4, 2015
60-Day Deadline	March 15, 2015
120-Day Deadline (if necessary)	May 14, 2015

Council Action: Required. Suggested motions ...

1. I move the city council adopts resolution 04-15 laying out the findings of fact for the **Conditional Use Permit** application of Mike and Deb Anderson, 5105 Weeks Road. I further move that the council directs the city clerk to mail a copy of the findings to the applicant and the DNR, and place an Affidavit of Mailing for each of the mailings in the property file.
2. I move the city council adopts resolution 04-15 laying out the findings of fact for the **Conditional Use Permit** application of Mike and Deb Anderson, 5105 Weeks Road with the following revisions: _____. I further move that the council directs the city clerk to mail a copy of the findings to the applicant and the DNR, and place an Affidavit of Mailing for each of the mailings in the property file.
3. I move the city council adopts resolution 05-15 laying out the findings of fact APPROVING the **Variance** application of Mike and Deb Anderson, 5105 Weeks Road. I further move that the council directs the city clerk to mail a copy of the findings to the applicant and the DNR, and place an Affidavit of Mailing for each of the mailings in the property file.
4. I move the city council adopts resolution 04-15 laying out the findings of fact APPROVING the **Variance** application of Mike and Deb Anderson, 5105 Weeks Road with the following revisions: _____. I further move that the council directs the city clerk to mail a copy of the findings to the applicant and the DNR, and place an Affidavit of Mailing for each of the mailings in the property file.
5. I move the city council directs city staff to exercise the city's option to take 60 additional days to process the Conditional Use Permit and Variance applications of Mike and Deb Anderson, 5105 Weeks Road by mailing written notice and placing an Affidavit of Mailing in the property file. The written notice shall state the reason for the extension is: _____.

MN statute 15.99 requires a council decision within 60 days. 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).



Staff Report

Agenda Date: 03-04-15

Prepared by Gus Karpas

City Zoning Administrator

**Agenda Item: Consider Conditional Use and Variance Requests of Mike and Deb Anderson,
5105 Weeks Road**

Summary: Mike and Deb Anderson have submitted an application requesting a conditional use permit to construct a swimming pool on their residentially zoned property and an application requesting a variance to exceed the maximum permitted grade alteration to re-grade their entire property.

Section 1120:05(3)(b) of the Zoning Ordinance permits the construction of a permanent in-ground, at-grade swimming pool for the use and convenience of the residents and their guests with the issuance of a Conditional Use Permit.

Section 1125:15 of the Zoning Ordinance outlines the required setbacks for accessory structures.

	Front Setback	East Side Yard	West Side Yard	Lake Yard	Impervious Surface Area
Permitted/Required	Not Permitted	10'	10'	50'	30%
Proposed	N/A	105'	55'	374'	23.3%

Section 1140:19(5) states “The existing grade of a lot shall not be altered by the addition or removal of fill or by grading so as to increase or decrease the average elevation of the land by more than 1 foot in any area greater than 100 square feet without the approval of the City Engineer. Any elevation increase or decrease of more than 2 feet in any area greater than 300 square feet requires a variance. The measurements shall be calculated by averaging the lowest point of elevation and highest point of elevation in the square foot area on the existing survey compared to the proposed survey.”

The applicant previously received a variance to alter the grade for the construction of a new driveway to access the property.

At that time the grading of the entire lot was not addressed. The applicants purchased the properties located at 5110 St. Alban’s Bay Road, 5114 St. Alban’s Bay Road and 5105 Weeks Road and combined them under one P.I.D. The homes that existed on 5110 St. Alban’s Bay Road and 5105 Weeks Road have been removed and an addition being constructed on the remaining home. This plan would alter the driveway from the previous approval but also presents a comprehensive drainage and storm water run-off plan that encompasses the entire lot.

The applicant proposes to increase the grade by six (6) feet and seeks a variance to exceed the maximum permitted grade alteration by four (4) feet.

STAFF RECOMMENDATION:

Staff recommends **approval** of the application of Mike and Deb Anderson for the Conditional Use Permit to construct a permanent in-ground, at-grade swimming pool at the property located 5105 Weeks Road, as presented. The proposal meets the criteria outlined in Section 1150.20 of the ordinance in that; a) the proposed swimming pool complies with the specified regulations of the district in which it is located; b) the use is a permitted conditional use in the R-1A zoning district; c) the use would not be detrimental to or endanger the general welfare of the neighborhood or city; d) the use is harmonious with the objective of the comprehensive plan since it is a residential use; e) the use will not be hazardous or disturbing to existing or future neighboring uses; f) the use will be adequately served by essential public facilities and services; g) there will be no excessive additional costs for public facilities or service and will not be detrimental to the economic welfare of the community; h) the proposed use will not include uses that would be detrimental to any persons due to traffic, noise, smoke fumes, glare or odors; i) the use will not create traffic congestion; j) there will be no loss or damage of any natural, scenic or historic features; and k) the use will not depreciate surrounding property values.

Staff recommends **approval** of the application of Mike and Deb Anderson for the variance to exceed the maximum permitted grade alteration by four feet to re-grade the property located 5105 Weeks Road, as presented. The proposal meets the practical difficulties standards outlined in Section 1155.10(4) in that; a) the applicant proposes to re-grade the property in a manner not permitted by the zoning ordinance; b) the circumstances requiring the grading is based on the need to reshape the lot due to the removal of two older principal structures when the three properties lots were combined under one PID; and c) the proposal will not alter the essential character of the neighborhood, rather it will help control the run-off on the property lessening the current issues on adjoining properties.

Planning Commission Action:

Commissioner Paeper moved the Planning Commission recommends the council accept the recommendation and findings of staff to approve the application of Mike and Deb Anderson for the Conditional Use Permit to construct a permanent in-ground, at-grade swimming pool at the property located 5105 Weeks Road, as presented. The proposal meets the criteria outlined in Section 1150.20 of the ordinance in that; a) The proposed swimming pool complies with the specified regulations of the district in which it is located; b) The use is a permitted conditional use in the R-2 zoning district; c) The use would not be detrimental to or endanger the general welfare of the neighborhood or city; d) The use is harmonious with the objective of the comprehensive plan since it is a residential use; e) The use will not be hazardous or disturbing to existing or future neighboring uses; f) The use will be adequately served by essential public facilities and services; g) There will be no excessive additional costs for public facilities or service and will not be detrimental to the economic welfare of the community; h) The proposed use will not include uses that would be detrimental to any persons due to traffic, noise, smoke fumes, glare or odors; i) The use will not create traffic congestion; j) There will be no loss or damage of any natural, scenic or historic features; and k) The use will not depreciate surrounding property values.

Commissioner Bechtell seconded. Motion carried 4-0.

Chairman Lucking moved the Planning Commission recommends the council accept the recommendation and findings of staff to approve the application of Mike and Deb Anderson for the variance to exceed the maximum permitted grade alteration by four feet to re-grade the property located 5105 Weeks Road, as presented. The proposal meets the practical difficulties standards outlined in Section 1155.10(4) in that; a) the applicant proposes to re-grade the property in a manner not permitted by the zoning ordinance; b) the circumstances requiring the grading is based on the need to reshape the lot due to the removal of two older principal structures when the three properties lots were combined under one PID; and c) the proposal will not alter the essential character of the neighborhood, rather it will help control the run-off on the property lessening the current issues on adjoining properties.

Commissioner Sayer seconded. Motion carried 4-0.

KEY DATES:

Application complete:	January 14, 2015
Notice of Public Hearing published:	February 5, 2015
Planning Commission Public Hearing:	February 18, 2015
City Council Consideration:	March 4, 2015
60-Day Deadline:	March 15, 2015
120-Day Deadline (if necessary):	May 14, 2015

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).

RESOLUTION NO 04-15

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA
ACTING AS THE BOARD OF APPEALS & ADJUSTMENTS**

In Re: Application of Mike and Deb Anderson, 5105 Weeks Road for a conditional use permit under Greenwood ordinance code section 1125.05(3)(c) and 1150.20 to permit the construction of a permanent in-ground, at-grade swimming pool.

WHEREAS, Mike and Deb Anderson are the owners of property commonly known as 5105 Weeks Road, Greenwood, Minnesota 55331 (PID No. 26-117-23-41-0058) in conformance with Greenwood ordinance code sections 1125.05(3)(c) and 1150.20 has made application for a conditional use permit (CUP); and

WHEREAS, the applicant proposes to construct a permanent in-ground, at-grade swimming pool; and

WHEREAS, notice of a public hearing was published, notice given to neighboring property owners, and a public hearing was held before the planning commission to consider the application; and

WHEREAS, public comment was taken at the public hearing before the planning commission on February 18, 2015; and

WHEREAS, the city council of the city of Greenwood has received the staff report, the recommendation of the planning commission, and considered the application, the comments of the applicant, and the comments of the public.

NOW, THEREFORE, the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments does hereby make the following:

FINDINGS OF FACT

1. That the real property located at 5105 Weeks Road, Greenwood, Minnesota 55331 (PID No. 26-117-23-41-0058) is a single-family lot of record located within the R1A district.
2. Pursuant to Greenwood ordinance code sections 1125.05(3)(c), the property owner proposes to construct a permanent in-ground, at-grade swimming pool, which requires the property owner to apply for a CUP.
3. Pursuant to Greenwood ordinance code section 1150.20, subd. 3, Conditional Use Permits (general regulations), the city council may impose such conditions and safeguards upon the property benefitted by a CUP as may be necessary to maintain compatibility with other properties in the neighborhood.
4. Greenwood ordinance section 1150.20, subd 1 states:

“Subd. 1. The planning commission shall make findings and recommendations to the city council. The council may then authorize a conditional use by resolution provided the evidence presented is such as to establish:

- (a) That the proposed use will comply with the regulations specified in this ordinance for the district in which the proposed use is to be located.
- (b) That the use is one of the conditional uses permitted for the district in which it is to be located.
- (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 use will be harmonious with the objectives of the comp plan.
- (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.”
6. The applicant asserts that the proposed CUP request complies with CUP standards in Greenwood ordinance section 1150.20, subd 1.
 7. The planning commission discussed the CUP request and on a 4-0 vote recommended approval because the proposed CUP request complies with the CUP standards in Greenwood ordinance section 1150.20, subd 1.
 8. Based on the foregoing, the city council determined that the proposed CUP request complies with the CUP standards in Greenwood ordinance section 1150.20, subd 1 if the following reasonable and necessary conditions relating to the present request are made a condition of approval:
 - (a) The project must be completed according to the specifications and design requirements in the submitted plans.
 - (b) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the city council acting as the Board of Appeals & Adjustments makes the following conclusions of law:

1. The applicant has made an adequate demonstration of facts meeting the standards of sections 1125.05(3)(c) and 1150.20 necessary for the grant of a CUP.
2. The CUP requested is reasonable and should be granted on the following conditions:
 - (a) The project must be completed according to the specifications and design requirements in the submitted plans.
 - (b) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments that the city of Greenwood does hereby grant and issue a Conditional Use Permit to the applicant for the subject property to construct a permanent in-ground, at-grade swimming pool on the following conditions:

- (a) The project must be completed according to the specifications and design requirements in the submitted plans.
- (b) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

PASSED this ____ day of _____, 2015 by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments for the city of Greenwood, Minnesota.

____ AYES ____ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

RESOLUTION NO 05-15

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA
ACTING AS THE BOARD OF APPEALS & ADJUSTMENTS**

APPROVING

IN RE: The application of Mike and Deb Anderson, 5105 Weeks Road for variances to Greenwood ordinance code section 1140.19(5) to exceed the maximum permitted grading for the construction of a new driveway.

WHEREAS, Mike and Deb Anderson are the owners of property commonly known as 5105 Weeks Road, Greenwood, Minnesota 55331 (PID No. 26-117-23-41-0058); and

WHEREAS, application was made for variance to section 1140.19(5) to permit construction of a new driveway that exceeds the maximum permitted grading by 4 feet; and

WHEREAS, notice of a public hearing was published, notice given to neighboring property owners, and a public hearing was held before the planning commission to consider the application; and

WHEREAS, public comment was taken at the public hearing before the planning commission on February 18, 2015; and

WHEREAS, the city council of the city of Greenwood has received the staff report, the recommendation of the planning commission, and considered the application, the comments of the applicant and the comments of the public.

NOW, THEREFORE, the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments does hereby make the following:

FINDINGS OF FACT

1. That the real property located at 5105 Weeks Road, Greenwood, Minnesota 55331 (PID No. 26-117-23-41-0058) is a single-family lot of record located within the R1A district.
2. The applicant proposes to construct a new driveway that exceeds the maximum permitted grading.
3. Greenwood ordinance code section 1140.19(5) states, "The existing grade of a lot shall not be altered by the addition or removal of fill or by grading so as to increase or decrease the average elevation of the land by more than 1 foot in any area greater than 100 square feet without the approval of the City Engineer. Any elevation increase or decrease of more than 2 feet in any area greater than 300 square feet requires a variance. The measurements shall be calculated by averaging the lowest point of elevation and highest point of elevation in the square foot area on the existing survey compared to the proposed survey."
4. The applicant proposes to increase the grade by 6 feet and seeks a variance to exceed the maximum permitted grade alteration by 4 feet.
5. The applicants previously received a variance to alter the grade for the construction of a new driveway to access the property. At that time the grading of the entire lot was not addressed. The applicants purchased the properties located at 5110 St. Alban's Bay Road, 5114 St. Alban's Bay Road, and 5105 Weeks Road and combined them under one PID. The homes that existed on 5110 St. Alban's Bay Road and 5105 Weeks Road have been removed and an addition being constructed on the remaining home. This plan would alter the driveway from the previous approval but also presents a comprehensive drainage and storm water run-off plan that encompasses the entire lot.

6. Greenwood ordinance section 1155.10, subd 4, 5 & 6 states:

“Subd. 4. Practical Difficulties Standard. “Practical difficulties,” as used in connection with the granting of a variance, means:

- (a) that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
- (b) the plight of the landowner is due to circumstances unique to the property and not created by the landowner;
- (c) and the variance, if granted, will not alter the essential character of the locality

Economic considerations alone shall not constitute practical difficulties.

Subd. 5. Findings. The board, in considering all requests for a variance, shall adopt findings addressing the following questions:

- (a) Is the variance in harmony with the purposes and intent of the ordinance?
- (b) Is the variance consistent with the comprehensive plan?
- (c) Does the proposal put property to use in a reasonable manner?
- (d) Are there unique circumstances to the property not created by the landowner?
- (e) Will the variance, if granted, alter the essential character of the locality?

Subd. 6. Practical Difficulties Considerations. When determining reasonable manner or essential character, the board will consider, but will not be limited to, the following:

- (a) Impair an adequate supply of light and air to adjacent property.
- (b) Unreasonably increase the congestion in the public street.
- (c) Increase the danger of fire or endanger the public safety.
- (d) Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this ordinance.”

7. The applicant asserts that the proposed variance request complies with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6.

8. The planning commission discussed the variance request and on a 4-0 vote recommended the council accept the recommendation and findings of staff to approve the application of Mike and Deb Anderson for the variance to exceed the maximum permitted grade alteration by 4 feet to re-grade the property located 5105 Weeks Road, as presented. The proposal meets the practical difficulties standards outlined in section 1155.10(4) in that; a) the applicant proposes to re-grade the property in a manner not permitted by the zoning ordinance; b) the circumstances requiring the grading is based on the need to reshape the lot due to the removal of two older principal structures when the 3 lots were combined under one PID; and c) the proposal will not alter the essential character of the neighborhood, rather it will help control the run-off on the property and lessen the current issues on adjoining properties.

9. Based on the foregoing, the city council determined that variance request complies with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6 and has determined that the following conditions should be imposed on any variance grant:

- (a) The project must be completed according to the specifications and design requirements in the submitted plans.
- (b) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

10. Subject to the stated conditions, the variance, if granted, will be in harmony with the purpose and intent of the zoning ordinance and may be granted.

CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the city council acting as the Board of Appeals & Adjustments makes the following conclusions of law:

The applicant has made an adequate demonstration of facts meeting the standards of section 1155.10 necessary for the grant of a variance and therefore:

- A. A variance to section 1155.10(4) to exceed the maximum permitted grade alteration by 4 feet should be granted.

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments:

That the application of Mike and Deb Anderson 5105 Weeks Road, Greenwood, Minnesota 55331 (PID No. 26-117-23-41-0058) for:

A. A variance to section 1155.10(4) to exceed the maximum permitted grade alteration by 4 feet is APPROVED.

with the following conditions:

- (a) The project must be completed according to the specifications and design requirements in the submitted plans.
- (b) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

PASSED this ____ day of _____, 2015 by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments for the city of Greenwood, Minnesota.

____ AYES ____ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

Conditional Use Permit & Variance Checklist



Person completing form: Property Owner Builder / Architect

If you prefer to complete this form electronically, it is available at www.greenwoodmn.com.

Property Owner(s)	MIKE & DEBI ANDERSON
Property Address	5105 WEEKS RD

Submitted Accepted Consult with the zoning administrator to determine which ordinances and procedures apply to your application. Unless waived by the zoning administrator you must provide all of the following items with conditional use permit (CUP) or variance applications. Incomplete applications will be rejected. If you prefer to complete this form electronically, it is available for downloading at www.greenwoodmn.com.

- Complete conditional use permit (CUP) or variance application form.
- Pay nonrefundable CUP and / or variance application fee. **Fee: \$400 variance, \$400 CUP.** Note: Consultant and contract service provider expenses incurred by the city in excess of the base fee amount will be invoiced to the applicant.
- Pay nonrefundable shoreland compliance review fee. Required for all properties within 1,000 feet of the OHW of Lake Minnetonka. **Fee: \$200** (section 1176.03, subd. 10). The city will send copies of public hearing notices to the DNR at least 10 days before the hearing (section 1176.07, subd. 4).
- One full-size scalable certified survey and one 11 x 17 copy that includes:
 - Legal description and street address.
 - Parcel size in acres and square feet.
 - Topography of the site – for major construction delineate grading and drainage plan with contours at 2-foot intervals.
 - Location and dimensions of all the existing improvements, including: buildings, structures, retaining walls, steps, parking areas, driveways, storage areas, utilities, and wells.
 - Location and dimension of all proposed buildings and structures.
 - Impervious surface calculations – existing and proposed – % and square footage.
 - Outline of "building pad" setbacks according to the ordinance provisions and show the closest distance between the buildings and front, side, lake and rear lot lines.
 - Distance between principal buildings and accessory buildings and structures.
 - Building volume, building height, and structure height calculations (section 1140.18).
 - Delineate all wetland, OHW of lakes, 50ft lake setback line, bluffs, 30ft bluff setback line, easements, and driveways.
 - Significant tree conditions and all significant trees proposed to be removed.
- One large-scale drawing, one 11x 17 copy of the proposed structure elevations on all sides. Indicate structure height at the roof peak. Scale must be appropriate for the size of the project (eg: 1 inch = 10 feet or 1 inch = 20 feet).
- One 11 x 17 copy of the floor plan(s) – existing and proposed.
- Stake the location in the field of proposed buildings, structures, and lot lines.
- Tree preservation plan if applicable (section 1140.80).
- Lighting plan for sports courts, pools, new home construction, accessory buildings, driveways, and parking if applicable.

Notices and Reminders:

1. The application and related materials are due by the published deadline (available from the zoning administrator or at www.greenwoodmn.com click on "meetings").
2. The city has the right to require additional plans or information as necessary.
3. All plans, applications, and written information become public information, and will be used in planning commission and council staff reports and distributed to the public.
4. Submittal of an application grants the city permission to physically enter, inspect, and photograph the property.
5. The planning commission typically meets on the third Wednesday of each month to hold the public hearing and make a recommendation to the city council; the city council typically meets on the first Wednesday of the following month to make the final decision. Applicants are encouraged to attend both the planning commission and city council meetings.
6. Public notices will be published in the designated paper and notice will be sent to residents within 350 feet of the subject property.
7. If approval is granted, you may apply for a building permit. Tree removal, land alteration and wetland alteration all require separate permits and approvals from the city.
8. If a variance is granted and not used within one year after the date of the council approval, the variance will expire unless extended by the city zoning administrator or city council. If a final inspection (in the case of remodeling), or an occupancy permit (in the case of new construction), is not obtained within one year from the date that the building permit is issued, the variance also will expire unless extended by the city administrator or city council.
9. By state statute the city has 60 days from the acceptance of an application deemed complete to review and rule on the application. If additional time is needed, the city may elect an additional 60 days to review (MN statute 15.99).
10. Conditional use permits and variances, if granted, may be subject to conditions imposed by the city council (board of appeals and adjustments) imposed at the time of approval (section 1150 & 1155).

Quick Reference for Completing Variance Application:

	R1A	R1B	R2
Minimum Lot Size (sq ft)	15,000	20,000	10,000
Maximum Hardcover	30%	30%	30%
Minimum Principal Structure (feet)			
Front Setback	30	35	30
Rear Setback	35	60	35
Interior Side Setback	15	15	10
Exterior Side Setback	30	35	30
Lakeshore Setback	50	50	50
Minimum Accessory Structure (feet)			
Front Setback	NA	35	NA
Rear Setback	10	10	10
Interior Side Setback	10	10	5
Exterior Side Setback	35	35	30
Lakeshore accessory structures not allowed			
Maximum Building Height (feet)	28	28	28
Maximum Structure Height (feet)	42	42	42
Maximum Accessory Height (feet)	15	15	15
Minimum Bluff Setback (feet)	30	30	30
Minimum Width of Single Family Dwelling (feet)	25	25	25

Maximum Above Grade Building Volume (cubic feet):

- (1) Lots of 7500 square feet or less in area may be host to buildings, structures, and accessory structures whose above grade building volume is not greater than a volume equal to 6 times the lot area.
- (2) Lots between 7500 square feet and 15,000 square feet in area may be host to buildings, structures, and accessory structures whose above grade building volume is not greater than a volume equal to 42,000 cubic feet plus a volume of cubic feet equal to a figure 4 times (lot area minus 7500 square feet).
- (3) Lots greater than 15,000 square feet in area may be host to buildings, structures, and accessory structures whose above grade building volume is not greater than a volume equal to 75,000 cubic feet plus a volume of cubic feet equal to a figure 2 times (lot area minus 15,000 square feet).

Key Dates – For Office Use Only:

Deadlines and meeting schedule given to applicant	
Materials received (60-day clock starts)	
Deadline to mail incomplete notice to applicant (within 10 workdays from date materials received)	
Date of 60-day deadline	
Planning commission meeting (public hearing)	
Date of city notice to extend 60-day deadline by another 60 days (if applicable)	
Final findings mailed to DNR	

CUP & VARIANCE CHECKLIST - Page 2 of 2 Form Updated 10-28-14

Conditional Use Permit & Variance Checklist



Person completing form: Property Owner Builder / Architect

If you prefer to complete this form electronically, it is available at www.greenwoodmn.com.

Property Owner(s) Mike and Debi Anderson

Property Address 5105 Weeks Road, Greenwood, MN

Consult with the zoning administrator to determine which ordinances and procedures apply to your application. Unless waived by the zoning administrator you must provide all of the following items with conditional use permit (CUP) or variance applications. Incomplete applications will be rejected. *If you prefer to complete this form electronically, it is available for downloading at www.greenwoodmn.com.*

✓ Complete conditional use permit (CUP) or variance application form.

✓ Pay nonrefundable CUP and / or variance application fee. **Fee: \$400 variance, \$400 CUP.** Note: Consultant and contract service provider expenses incurred by the city in excess of the base fee amount will be invoiced to the applicant.

✓ Pay nonrefundable shoreland compliance review fee. Required for all properties within 1,000 feet of the OHW of Lake Minnetonka. **Fee: \$200** (section 1176.03, subd. 10). The city will send copies of public hearing notices to the DNR at least 10 days before the hearing (section 1176.07, subd. 4).

✓ One full-size scalable certified survey and one 11 x 17 copy that includes:

- ✓ Legal description and street address.
- ✓ Parcel size in acres and square feet.
- ✓ Topography of the site – for major construction delineate grading and drainage plan with contours at 2-foot intervals.
- ✓ Location and dimensions of all the existing improvements, including: buildings, structures, retaining walls, steps, parking areas, driveways, storage areas, utilities, and wells.
- ✓ Location and dimension of all proposed buildings and structures.
- ✓ Impervious surface calculations – existing and proposed – % and square footage.
- ✓ Outline of “building pad” setbacks according to the ordinance provisions and show the closest distance between the buildings and front, side, lake and rear lot lines.
- ✓ Distance between principal buildings and accessory buildings and structures.
- ✓ Building volume, building height, and structure height calculations (section 1140.18).
- ✓ Delineate all wetland, OHW of lakes, 50ft lake setback line, bluffs, 30ft bluff setback line, easements, and driveways.
- ✓ Significant tree conditions and all significant trees proposed to be removed.

✓ One large-scale drawing, one 11x 17 copy of the proposed structure elevations on all sides. Indicate structure height at the roof peak. Scale must be appropriate for the size of the project (eg: 1 inch = 10 feet or 1 inch = 20 feet).

✓ One 11 x 17 copy of the floor plan(s) – existing and proposed.

✓ Stake the location in the field of proposed buildings, structures, and lot lines.

✓ Tree preservation plan if applicable (section 1140.80).

✓ Lighting plan for sports courts, pools, new home construction, accessory buildings, driveways, and parking if applicable.

Notices and Reminders:

1. The application and related materials are due by the published deadline (available from the zoning administrator or at www.greenwoodmn.com click on “meetings”).
2. The city has the right to require additional plans or information as necessary.
3. All plans, applications, and written information become public information, and will be used in planning commission and council staff reports and distributed to the public.
4. Submittal of an application grants the city permission to physically enter, inspect, and photograph the property.
5. The planning commission typically meets on the third Wednesday of each month to hold the public hearing and make a recommendation to the city council; the city council typically meets on the first Wednesday of the following month to make the final decision. Applicants are encouraged to attend both the planning commission and city council meetings.
6. Public notices will be published in the designated paper and notice will be sent to residents within 350 feet of the subject property.
7. If approval is granted, you may apply for a building permit. Tree removal, land alteration and wetland alteration all require separate permits and approvals from the city.
8. If a variance is granted and not used within one year after the date of the council approval, the variance will expire unless extended by the city zoning administrator or city council. If a final inspection (in the case of remodeling), or an occupancy permit (in the case of new construction), is not obtained within one year from the date that the building permit is issued, the variance also will expire unless extended by the city administrator or city council.
9. By state statute the city has 60 days from the acceptance of an application deemed complete to review and rule on the application. If additional time is needed, the city may elect an additional 60 days to review (MN statute 15.99).
10. Conditional use permits and variances, if granted, may be subject to conditions imposed by the city council (board of appeals and adjustments) imposed at the time of approval (section 1150 & 1155).

CUP & VARIANCE CHECKLIST - Page 1 of 2

Quick Reference for Completing Variance Application:

	R1A	R1B	R2
Minimum Lot Size (sq ft)	15,000	20,000	10,000
Maximum Hardcover	30%	30%	30%
Minimum Principal Structure (feet)			
Front Setback	30	35	30
Rear Setback	35	60	35
Interior Side Setback	15	15	10
Exterior Side Setback	30	35	30
Lakeshore Setback	50	50	50
Minimum Accessory Structure (feet)			
Front Setback	NA	35	NA
Rear Setback	10	10	10
Interior Side Setback	10	10	5
Exterior Side Setback	35	35	30
Lakeshore accessory structures not allowed			
Maximum Building Height (feet)	28	28	28
Maximum Structure Height (feet)	42	42	42
Maximum Accessory Height (feet)	15	15	15
Minimum Bluff Setback (feet)	30	30	30
Minimum Width of Single Family Dwelling (feet)	25	25	25

Maximum Above Grade Building Volume (cubic feet):

- (1) Lots of 7500 square feet or less in area may be host to buildings, structures, and accessory structures whose above grade building volume is not greater than a volume equal to 6 times the lot area.
- (2) Lots between 7500 square feet and 15,000 square feet in area may be host to buildings, structures, and accessory structures whose above grade building volume is not greater than a volume equal to 42,000 cubic feet plus a volume of cubic feet equal to a figure 4 times (lot area minus 7500 square feet).
- (3) Lots greater than 15,000 square feet in area may be host to buildings, structures, and accessory structures whose above grade building volume is not greater than a volume equal to 75,000 cubic feet plus a volume of cubic feet equal to a figure 2 times (lot area minus 15,000 square feet).

Key Dates – For Office Use Only:

- Deadlines and meeting schedule given to applicant
- Materials received (60-day clock starts)
- Deadline to mail incomplete notice to applicant (within 10 workdays from date materials received)
- Date of 60-day deadline
- Planning commission meeting (public hearing)
- Date of city notice to extend 60-day deadline by another 60 days (if applicable)
- Final findings mailed to DNR

Conditional Use Permit Application



Person completing form: Property Owner Builder / Architect
 If you prefer to complete this form electronically, it is available at www.greenwoodmn.com

Date application submitted	11/26/2014
Date application complete (office use only)	
Property address	5105 Weeks Road
Property identification number (PID)	26-117-23-41-0058
Property owner's current mailing address	6681 Amberwood Lane Chanhassen, MN 55317
Names of all property owners	Mike & Debbie Anderson
Cell phone and email of property owner(s)	Mike@zinpro.com
Name of builder / architect (if any)	Richard Storlien
Company name of builder / architect	RDS Architects
Cell phone and email of builder / architect	612-810-9628 rstorlien@comcast.net
Company address	4900 Highway 169 suite 303 New Hope, MN 55428
Present use of property	Single Family Residence
Property acreage	2.19 Acres
Existing variances or conditional use permits	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes – please attach a copy
Request is for	<input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Addition <input type="checkbox"/> Remodel <input type="checkbox"/> Replace <input type="checkbox"/> Other:
The CUP is being requested to (e.g. install a swimming pool)	Installation of Swimming Pool

Making your case for the grant of a conditional use permit: The planning commission shall make findings and recommendations to the city council. The council may then authorize a conditional use by resolution provided the evidence presented complies with the city conditional use permits ordinance section 1150 (view at city hall or at www.greenwoodmn.com). The council may impose such conditions and safeguards upon the premises benefited by a conditional use permit as may be necessary to maintain compatibility with other properties in the neighborhood. Examples of conditions include, but are not limited to: controlling size and location of use, regulating ingress and egress, controlling traffic flow, regulating off-street parking and loading areas, location of utilities, berming, fencing, screening, landscaping, restricting hours of operation, controlling noise, controlling lighting, controlling odors, and compatibility of appearance. Violation of such conditions and safeguards, when made part of the terms under which the conditional use permit is granted, shall be deemed a violation of this ordinance and punishable under section 1180 et seq.

Please answer each of the below questions:

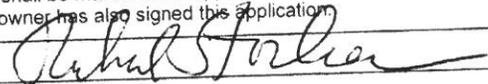
Will the proposed use comply with the regulations specified in the ordinance for the district in which the proposed use is to be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: Outdoor swimming pools allowed by code
Is the proposed use one of the conditional uses permitted for the district in which it is to be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: Outdoor swimming pool
Will the proposed use be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: Private use swimming pool
Will the proposed use be harmonious with the objectives of the comp plan?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: residential swimming pool as part of single family home
Will the proposed use be hazardous or disturbing to existing or future neighboring uses?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: proposed swimming pool will be well screened and protected

CUP APPLICATION - Page 1 of 2

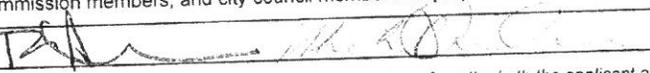
Will the proposed use be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, sewer, schools?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: No impact on public facilities due to private use
Will the proposed use create excessive additional requirements at public cost for public facilities and services or be detrimental to the economic welfare of the community?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: No increase in public cost or economic requirements
Will the proposed use involve 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: Private use swimming pool constructed of standard materials and producing no additional noise, smoke, fumes, traffic, etc.
Will the proposed use have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: private driveway location off Weeks Road and adequate on site guest parking to avoid any need for on street parking.
Will the proposed use result in the destruction, loss or damage of a natural, scenic or historic feature of major importance?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: proposed location between two building structures and located in an area with no significant trees or natural features
Will the proposed use unreasonably depreciate surrounding property values?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: property when completed should increase values of surrounding properties due to improvements proposed

The applicant(s) contacted the following regulatory bodies and will seek approvals if required:
 (1) Lake Minnetonka Conservation District 952.745.0789 (2) Minnehaha Creek Watershed District 952.471.0590

Applicant's acknowledgement and signature(s): The undersigned hereby submits this application for the described action by the city and is responsible for complying with all city requirements with regard to this request. This application should be processed in my name, and I am the party whom the city should contact about this application. The applicant certifies that the information supplied is true and correct to the best of their knowledge. The undersigned also acknowledges that before this request can be considered and / or approved, all required information and fees must be paid to the city, and if additional fees are required to cover costs incurred by the city, the city has the right to require additional payment from one or more of the undersigned, who shall be jointly liable for such fees. An incomplete application will delay processing and may necessitate rescheduling the review timeframe. The application timeline commences once an application is considered complete when all required information and fees are submitted to the city. The applicant recognizes that they are solely responsible for submitting a complete application and that upon failure to do so, recognizes city staff has no alternative but to reject the application until it is complete or to recommend denial regardless of its potential merit. A determination of completeness of the application shall be made within 10 business days of the application submittal. A written notice of application deficiencies shall be mailed to the applicant within 10 business days of application. I am the authorized person to make this application and the fee owner has also signed this application.

Signature:  Date: 11/25/2014

Property owner's acknowledgement and signature: The undersigned is the fee title owner of the page 1 described property. I acknowledge and agree to this application and further authorize reasonable entry onto the property by city staff, consultants, agents, planning commission members, and city council members for purposes of investigation and verification of this request.

Signature:  Date: 11/25/14

Note: If the property owner is different than the applicant, signatures from both the applicant and the property owner are required.

Variance Fee (nonrefundable)	\$400
Shoreland Management Review Fee (nonrefundable)	\$200
Total Amount Due (make check payable to the City of Greenwood)	\$600

For Office Use Only	Fee Paid: <input type="checkbox"/> Cash <input type="checkbox"/> Check #:	Amount \$
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City of Greenwood
 20225 Cottagewood Road
 Deephaven, MN 55331
 952-474-4755
 www.greenwoodmn.com

Variance Application

Applicant is (circle one) Owner Developer **Contractor** Architect Other _____

Property address for which variance is requested 5105 Weeks Road

Applicant (individual or company name): Topo, LLC

Contact for Business: Scott Ritter / Joe Collins Title: Owner / Landscape Architect

Address: 325 Cedar Street City: St. Paul State: Mn Zip: 55101

Wk Phone: 612.929.2049 Hm Phone: 612.203.1976

Email address: joe@topollc.com Fax: _____

Present use of property: Residential

Property acreage: 2.19 Acres (95,551 Sf)

Existing Variances: Yes X No _____

If yes, please explain Building improvements

Describe Request: Build New X Add On X Remodel _____ Replace _____

What is the Variance being requested for: Revised grading, storm water management, driveway layout and retaining wall design.

Variance for:

	Required	Proposed
Side Yard	_____ feet	_____ feet
Front Yard	_____ feet	_____ feet
Rear Yard	_____ feet	_____ feet
Lake setback	_____ feet	_____ feet
Building height	_____ feet	_____ feet
Structure height	_____ Feet	_____ feet
Wetland	_____ feet	_____ feet
<u>X</u> Impervious Cover	<u>28,665 (30%)</u> sq ft	<u>22,361 (23.4%)</u> Sq ft
Shoreland	_____ feet	_____ feet
Massing	_____ volume	_____ volume
<u>X</u> Other	_____ feet	_____ feet
If other, please explain	<u>Revise grading, storm water management, driveway layout and retaining wall design</u>	

MAKING YOUR CASE FOR THE GRANT OF A VARIANCE

STATE LAW: Minnesota Statutes 462.357 controls the grant of variances to established zoning codes. Before a variance can be granted the Applicant must establish to the satisfaction of the City that: A) Strict enforcement of the applicable code would cause an undue hardship because of circumstances unique to the individual property under consideration, *and*, B) the grant of the requested variance will be in keeping with the spirit and intent of the ordinance.

"Undue hardship" as used in connection with the granting of a variance means: 1) the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls; 2) the plight of the landowner is due to circumstances unique to the property not created by the landowner, *and* 3) the variance, if granted, will not alter the essential character of the locality.

NOTICE: Simple inconvenience of a landowner or occupant, including self-created situations, are not considered undue hardships under Minnesota case law.

Economic considerations alone shall not constitute an undue hardship if reasonable use of the property exists under the ordinance. (MN Statutes 462.357)

If you have difficulty is establishing an undue hardship please consider alternatives to your construction plans that may remove the need for a variance.

The Applicant must respond fully and in detail to each of the following questions and data requests or the Application may be rejected as incomplete.

Establishing that the requested variance will be in keeping with the spirit and intent of the Zoning Code:

The requested variance, if granted, will be in keeping with the spirit and intent of the City Zoning because:

See attachment - Line 0

Establishing Undue Hardship:

1. The landowner's (Applicant's) property cannot be put to a reasonable use if used under conditions allowed by the official controls because:

See attachment - Line 1

2. The plight of the landowner (Applicant) is due to circumstances unique to the property not created by the landowner property because:

See attachment - Line 2

3. The variance, if granted, will not alter the essential character of the locality because:

See attachment - Line 3

Establishing the variance, if granted, will not adversely impact the rights of others:

Describe the effect of the variance, if granted, on neighboring properties and on the neighborhood in general:

See attachment - Line 4

Describe the effect of the variance, if granted, on supply of light and air to adjacent properties.

See attachment - Line 5

Describe the effect of the variance, if granted, on traffic congestion in the public street.

The variance would not add or subtract to traffic congestion.

Describe the effect of the variance, if granted, on the danger of fire.

The variance would not add or subtract to the danger of fire.

Describe the effect of the variance, if granted, on the danger to public safety.

The variance would lessen the slope of the driveway and decrease the chance of an accident in inclement weather or icy conditions.

Describe the effect of the variance, if granted, on established property values in the surrounding area.

Changes to existing building and site conditions will improve the aesthetics and character of the property and respectively increase the value of the surrounding properties.

Describe the effect of the variance, if granted, on the impairment of the public health, safety or welfare.

Revisions to the grading plan will improve the quality of local water bodies and habitat on Lake Minnetonka. On-site storm water management areas would reduce volume of water entering into public storm water utilities.

Applicant(s) have determined that the following approvals may be necessary from other regulatory bodies:

_____ LMCD # 952-745-0789

_____ Watershed District # 952-471-0590

Applicant's Acknowledgement & Signature(s)

This is to certify that I am making application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name, and I am the party whom the City should contact about this application. The applicant certifies that the information supplied is true and correct to the best of his/her knowledge.

The undersigned also acknowledges that she/he understands that before this request can be considered and/or approved, all required information and fees, including any deposits, must be paid to the City, and if additional fees are required to cover costs incurred by the City, the City has the right to require additional payment from one or more of the undersigned, who shall be jointly liable for such fees.

An incomplete application will delay processing and may necessitate a re-scheduling of the review time frame. The application time line commences once an application is considered complete when all required information and fees are submitted to the City. The applicant recognizes that he/she is solely responsible for submitting a complete application being aware that upon failure to do so, the staff has no alternative but to reject it until it is complete or to recommend the request for denial regardless of its potential merit.

A determination of completeness of the application shall be made within 15 business days of the application submittal. A written notice of application deficiencies shall be mailed to the applicant within 15 business days of application.

I am the authorized person to make this application and the fee owner has also signed this application.

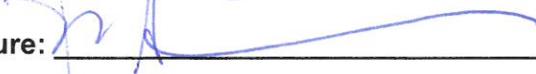
Applicant's Signature:  **Date:** 1/16/15

Signature: _____ **Date:** _____

Owner's Acknowledgement & Signature(s)

I am / we are the fee title owner of the above described property. I / we further acknowledge and agree to this application and further authorize reasonable entry onto the property by City Staff, Consultants, agents, Planning Commission Members, and City Council Members for purposes of investigation and verification of this request.

Owner's Signature:  **Date:** 1/15/2015

Owner's Signature:  **Date:** 1/15/2015

Note – Both signatures are required, if the owner is different than the applicant, before we can process the application, otherwise it is considered incomplete.

5105 Weeks Road, Greenwood, MN
Attachment for variance application

(Revisions to grading, storm water management, driveway layout and retaining wall design)

Line 0:

The variance will keep in the spirit of the City zoning as the revisions better manage storm water by diverting surface flow from adjacent properties and toward on-site holding areas prior to entering local water bodies. The revised grading plan will also shape the lot into (1) cohesive property that improves the overall aesthetic and character. Revisions to the driveway design improve vehicular circulation and reduce slopes toward the public roadway.

Line 1:

The property cannot be put to reasonable use since the property was originally comprised of (3) separate parcels that were recently consolidated into (1) larger parcel. The original grading and drainage still serves (2) houses that no longer exist and bisects the property into multiple segments. With the construction of the new addition, the original grading in the rear does not respond to the larger building the way it as (1) property. The revised grading plan addresses drainage and storm water run off in a way more appropriate to the new structure while shaping the lot as (1) larger cohesive property. The revised plan blends the grades naturally into the existing contours on each side of the property to eliminate awkward topography where a house previously existed. The revised plan further benefits the surrounding neighbors by directing the runoff into multiple storm water management areas.

Line 2:

The plight of the property owner is due to the unique circumstance of the property being originally platted as (3) separate parcels and graded individually to address storm water within each property. Existing topography currently directs storm water toward an adjacent property causing excessive run off and wet site conditions. The revised plan provides a solution that manages storm water within and beyond the project boundaries.

Line 3:

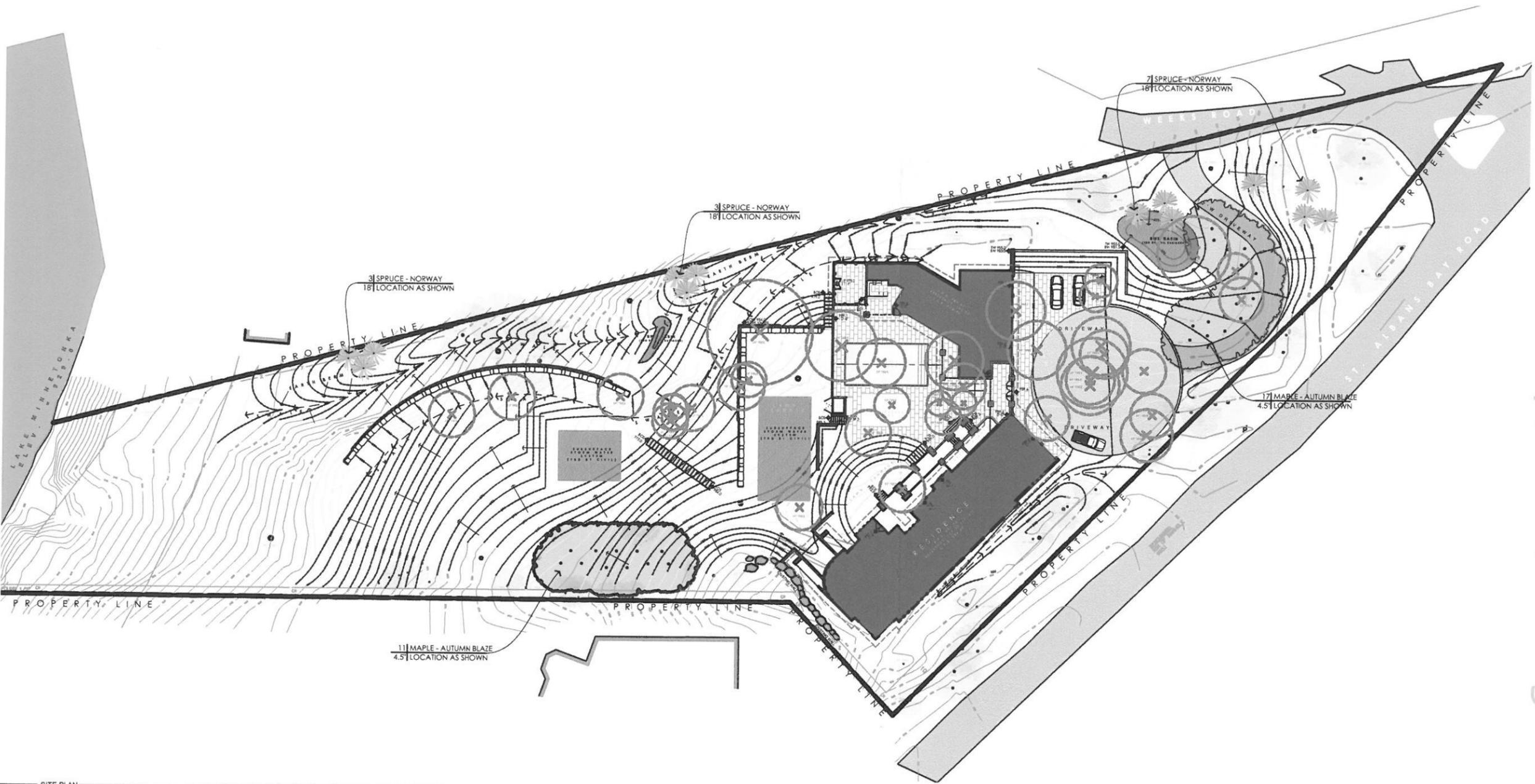
The variance will not alter the essential character of the locality since the property has been consolidated into (1) larger parcel and considers a larger scale grading solution that addresses the new structure. Revisions to the driveway design provides smoother movements into the site by fitting more naturally into the existing topography and maintaining the existing characteristic of adjacent properties. The revised plan reduces storm water velocity and volume toward Lake Minnetonka by diverting surface flow toward on-site handling areas.

Line 4:

The effect of the variance on neighboring properties and the neighborhood will be a decrease in storm water run off toward adjacent properties, help to improve the quality of local water bodies and increase on-site storm water holding capability. Revisions to the driveway design will improve the overall aesthetics of the property connecting the house more naturally into the land.

Line 5:

The quantity of trees to be removed will increase the open space throughout the property and provide natural light and improved air circulation. Selective tree pruning and the removal of undergrowth and scrub vegetation will help to improve air circulation and light quality while improving the overall health of the remaining significant sized trees to remain.



SITE PLAN
 SCALE: 1" = 20'

GENERAL NOTES:
 PROPERTY AND CONTOUR ELEVATION INFORMATION, BUILDING LOCATION AND TREE INFORMATION HAS BEEN PROVIDED BY A LICENSED SURVEYOR DATED NOVEMBER 19TH, 2014. SPECIES OF TREES (HARDWOOD OR SOFTWOOD) NOT IDENTIFIED ON SURVEY.

PROPOSED CONTOURS AND SPOT GRADES PROVIDED FOR REFERENCE TO TREE IMPACTS. SEE GRADING PLANS SEPARATE PLANS.

TREES NOTED TO BE REMOVED SHALL BE REVIEWED AND APPROVED BY A NATURAL RESOURCES DEPARTMENT OR MUNICIPAL BODY PRIOR TO REMOVAL ACTIVITIES.

THE OWNERS REPRESENTATIVE WILL MAKE ALL ADJACENT PROPERTY OWNERS AWARE OF THE CHANGE OF TREE CONDITIONS.

TREES NOT NOTED TO BE REMOVED SHALL BE PROTECTED THROUGHOUT THE DURATION OF THE CONTRACT. PROTECTION FENCE WILL BE INSTALLED AT TREES TO REMAIN AND BE COMMUNICATED TO ALL CONSTRUCTION TRADES AS A NO DISTURBANCE AREA THROUGHOUT THE DURATION OF THE CONTRACT.

TREE PROTECTION AREAS ARE A CONTINUING PROCESS OR METHOD TO NOT DISTURB THE QUALITY OR HEALTH OF TREE. THIS PROCESS MAY INCLUDE BUT NOT BE LIMITED TO MINIMIZING THE IMPACT TO TREE ROOTS, MINIMIZING THE COMPACTION OF SOILS, ADDITION OR REDUCTION IN SOIL ELEVATIONS WITHIN THE DRIPLINE, OR STORAGE OF EQUIPMENT OR VEHICLES WITHIN DESIGNATED TREE PROTECTION AREAS.

THE TREE AND ROOT/STUMP REMOVAL PROCESS WILL BE IN ACCORDANCE TO LOCAL ORDINANCES OR NATURAL RESOURCE REQUIREMENTS. DISPOSAL WILL BE DELIVERED TO A LEGAL OFF-SITE LOCATION.

TREE UNIT SIZES (CALIPER OR HEIGHT) WILL BE REPLACED WITH THE MINIMUM REQUIRED BY THE LOCAL ORDINANCES OR NATURAL RESOURCE REQUIREMENTS. SEE CALCULATIONS THIS PLAN.

REFERENCE ORDINANCE:
 THE CITY OF GREENWOOD, MN ORDINANCE CHAPTER 11 SECTION 1140.80 TREE PRESERVATION DEFINES EXISTING TREES AS THE FOLLOWING:

SOFTWOOD DECIDUOUS TREE
 COTTONWOOD, POPLAR, ASPEN, SILVER MAPLE, LINDEN, AND WILLOW

HARDWOOD DECIDUOUS TREE
 ASH, BIRCH CATALPA, ELM, HICKORY, IRONWOOD, MAPLE, OAK AND WALNUT

SIGNIFICANT TREE
 10" OR GREATER FOR HARDWOOD
 14" OR GREATER FOR SOFTWOOD
 12" GREATER FOR CONIFEROUS TREES

NOXIOUS TREE
 BUCKTHORN, SUMAC, BOX ELDER, SIBERIAN ELM, GREEN ASH, PRICKLY ASH

SUBDIVISION 562 - HOME ADDITION / ACCESSORY STRUCTURE CONSTRUCTION
 GENERAL PROPERTY DEVELOPMENT = 20% OF TOTAL TREES ON PROPERTY

EXISTING TREES:
 EXISTING TREES OF 10"+ CALIPER = **83 QTY**

CATEGORY "A" CONIFEROUS (6'H)	
6 CONIFEROUS	6 QTY

CATEGORY "C" HARDWOOD OR SOFTWOOD DECIDUOUS (3'+)	
TYPE	QTY
10" DECIDUOUS	4 QTY
12" DECIDUOUS	7 QTY
14" DECIDUOUS	5 QTY
15" DECIDUOUS	3 QTY
18" DECIDUOUS	6 QTY
20" DECIDUOUS	1 QTY
10"-20" CALIPER	26 QTY
24" DECIDUOUS	4 QTY
28" DECIDUOUS	1 QTY
20"+ CALIPER	5 QTY
TOTAL QTY OF TREES TO BE REMOVED	37 QTY

REMOVAL CALCULATIONS:

CATEGORY TYPE "A" CONIFEROUS (6'H)
 6'H CONIFEROUS 6 QTY
6 QTY X 0 = 0 CONIFEROUS TREES REQUIRED

CATEGORY TYPE "C" DECIDUOUS (TREES 3'+ CALIPER)
 10"-20" CALIPER X 1 TREES
 20"+ CALIPER X 2 TREES
 26 QTY X 1 = 26 TREES
 5 QTY X 2 = 10 TREES
36 DECIDUOUS TREES REQUIRED OF 3'+ CALIPER

20% OF 83 EXISTING TREES ABLE TO BE REMOVED WITHOUT REQUIRED REPLACEMENTS = 19 QTY

REPLACEMENT TREES REQUIRED = 36-19 = 17 QTY

PROPOSED TREES:
 28 QTY - 4.5" B/B DECIDUOUS TREES
 AUTUMN BLAZE MAPLE

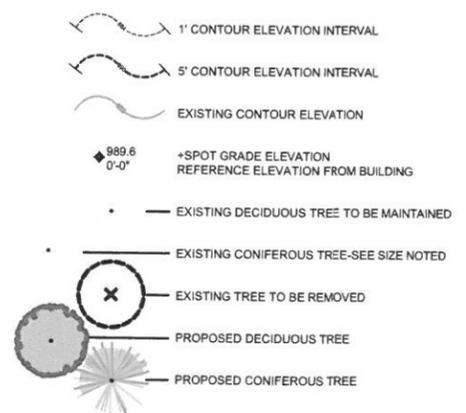
13 QTY - 18"H CONIFEROUS TREES
 NORWAY SPRUCE

TOTAL PROPOSED TREES 41 QTY

IMPERVIOUS RATIO:

HOUSE	7612 SF
PATIO	2732 SF
DRIVE	7632 SF
PAVER WALK	1069 SF
DECK	317 SF
WALLS	1142 SF
ROADWAY	1857 SF
TOTAL	22,361 SF

LOT IMPERVIOUS 95,551 SF (2.19 ACRES)
 23.40%
 (30% MAXIMUM ALLOWED)



Not For Construction

ERSON

DRAFTED: Jm/1/2013
 consolidated parcel and proposed improvements, grading, drainage and erosion control improvements, grading, erosion control and storm water management details. ing north line in house to prevent flow to neighbor. /ised grading north of garage and swale to direct water away from neighbor. gged trees with elevation removed proposed grading details. ol house moved over 3 fe ng and drainage direction fence for review. ng and drainage direction fence for review (closer to landscape architect's plan).

n Number 141, Hennepin County, Minnesota, described as follows: Beginning at the most herly along the western line of said lot, a distance of 250 feet; thence at right angles easterly 10 allel with the western line of said lot to the northeasterly line of Lot 88; thence northwesterly to the point of beginning.

umber 141, Hennepin County, Minnesota, EXCEPT, that part described as follows: Beginning distant 250 feet South the northeasterly corner of said lot; thence West at right angles to ce southerly in a straight line to the southeasterly corner of said Lot 89; thence northerly along ginning, Hennepin County, Minnesota.

in County, Minnesota.

in County, Minnesota.

boundary lines of the legal description. The scope of our services does not include l matter. Please check the legal description with your records or consult with competent legal ; correct, and that artifacts of record, such as easements, that you wish shown on the survey,

ements we deemed important monuments to mark corners of the property. and the area of the site for review and for the review of such governmental agencies that rements.

ted locations to give indication of the topography of the site. We have also provided elevations for construction on this site. The elevations shown relate only to the benchmark rk and check at least one feature shown on the survey when determining other elevations truction.

completed under "assumptions" and we cannot be certain that all items were found due to r with the property lines and if you are aware of any items that we may have missed, we em after you have excavated or wait until the snow and ice has melted.

STANDARD SYMBOLS & CONVENTIONS:

"●" Denotes 1/2" ID pipe with plastic plug bearing State License Number 9235, set, unless otherwise noted.

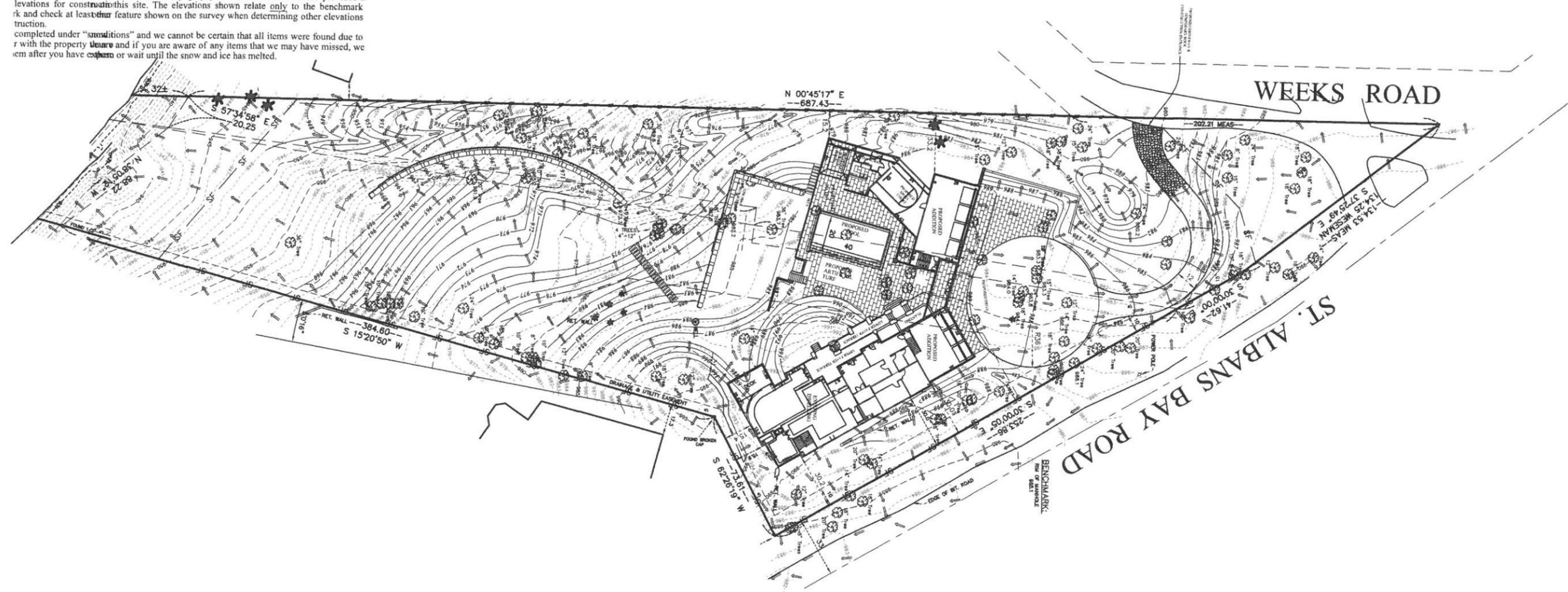
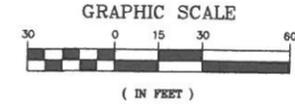
CERTIFICATION:

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a Professional Engineer and a Professional Surveyor under the Laws of the State of Minnesota.

James H. Parker
 James H. Parker P.E. & P.S. No. 9235 Date: January 30, 2015

LEGEND

EXISTING CONTOUR	---
EXISTING SPOT ELEVATION	x 883.0
PROPOSED CONTOUR	---
PROPOSED ELEVATION/SPOT ELEVATION	---
DRAINAGE ARROW - FLOW	→
SET FENCE/STRAW LOGS	—
EXISTING TREES TO REMAIN	⊗
EXISTING TREES TO BE REMOVED	⊗





Agenda Number: 7C

Agenda Date: 03-04-15

Prepared by Deb Kind

Agenda Item: Resolution 06-15, Planning Commission Appointments

Summary: The planning commission holds public hearings and makes recommendations to the city council regarding zoning issues including variances and conditional use permits. The planning commission is comprised of 5 voting members and 3 alternate members. Each year 3-4 planning commission terms expire. Terms are for 2 years and there is no limit to the number of terms that may be served. Planning commission members are appointed by the city council at the March council meeting and as needed to fill a vacancy. Greenwood residents interested in serving on the planning commission are asked to complete an application available at city hall and on the city website. New applicants also are asked to attend the March council meeting, so the council can conduct a casual "interview." Incumbent applicants typically submit a letter and do not attend the council meeting. This March, the terms of 3 planning commissioner seats expire:

B-1	Pat Lucking
B-2	Kristi Conrad
Alt-2	Fiona Sayer

All 3 have submitted written notification stating their desire to serve another 2-year term (see attached).

Per ordinance section 220.05(7), the city council liaison to the planning commission serves as the Alt-3 seat and only votes when needed to complete a quorum.

The city has received no new planning commission applications.

Past protocol has been to reappoint commissioners that are willing to serve again, for alternate 1 & 2 members to move up to voting positions that open up on the commission, and for new applicants to fill the alternate 1 & 2 positions. Based on this protocol, the new appointments would be as listed in the right column on the attached resolution (only the term expiration dates changed).

Council Action: Council action required. Potential motions ...

1. I move the council approves resolution 06-15 updating the city's planning commission appointments and directs that the oath of office be administered at the next planning commission meeting.
2. Other motion ???

PLANNING COMMISSION ATTENDANCE - 2014

Commissioner Name	January	February	March	April	May	June	July	August	September	October	November	December
John Beal	X	X		*	*	*	*	*	*	*	*	
Lake Bechtell	*	*		*	X	X	X	X	X	X	X	
Kristi Conrad	X	X		X	X	X	X	X		X	X	
Pat Lucking	X	X		X	X	X	X	X	X	X	X	
Dave Paeper	X	X		X	X	X	X	X	X	X	X	
Doug Reeder		X		X	X	X	X	X	X	X	X	
Fiona Sayer	*	*		*	*	*	*	X	X	X		
Rick Sundberg	*	*		*	*	*	*	X			X	

* Not on the Commission

No Meeting

From: Pat Lucking <plucking@idimn.com>
Subject: RE: Term Expirations
Date: February 5, 2015 at 2:37:21 PM CST
To: 'Gus Karpas' <guskarpas@mchsi.com>
Cc: 'Debra Kind' <dkind100@gmail.com>

I would like to continue as a planning commission member for another 2 year term beginning April 1, 2015. Please forward my request to the city council. Thanks

Patrick Lucking
Purchasing Manager
Insulation Distributors, Inc.
952.937-2000 Office
952.937-9809 Fax
952.279-6403 Direct
952.279-6803 Direct Fax
www.idimn.com

From: **Kristi Conrad** kaconrad@gmail.com
Subject: Re: Term Expirations
Date: February 20, 2015 at 2:06 PM
To: Debra Kind dkind100@gmail.com

Yes, still interested!
Kristi

From: Gus Karpas guskarpas@mchsi.com
Subject: FW: Term Expirations
Date: February 17, 2015 at 10:28 AM
To: Debra Kind dkind100@gmail.com

FYI

From: Fiona Sayer [mailto:fionasayer@gmail.com]
Sent: Sunday, February 15, 2015 2:45 PM
To: Gus Karpas
Subject: Re: Term Expirations

Hello Gus,

I would like to continue serving on the planning commission after my term expires in March. Please let me know if you need anything more formal from me.

Also, do we have a Meeting on Wednesday? I don't recall receiving any materials for the meeting.

Thanks!

- Fiona

Sent from my iPhone

On Feb 5, 2015, at 12:26 PM, "Gus Karpas" <guskarpas@mchsi.com> wrote:

To All,

Your terms on the Planning Commission will coming to end effective this April. If you are interested in continuing your service, please submit a letter of interest to me for consideration by the City Council. Thank you.

GUS KARPAS
City Clerk / Zoning Administrator
City of Greenwood
20225 Cottagewood Road
Deephaven, MN 55331
Direct: 952.358.9938
Main: 952.474.6633

Resolution 06-15
City of Greenwood Appointments & Assignments for 2015

Be it resolved that the city council of Greenwood, Minnesota approves the following appointments for 03-04-15 through 01-05-16.

OFFICE & DESIGNATIONS	2014 HOLDER	2015 HOLDER
Mayor Pro-Tem	Bob Quam	Bob Quam
Administrative Committee	Tom Fletcher, Deb Kind	Tom Fletcher, Deb Kind
Animal Enforcement Officer	South Lake Police Department	South Lake Police Department
Assessor	Hennepin County	Hennepin County
Attorney	Mark Kelly	Mark Kelly
Auditor	CliftonLarsonAllen	CliftonLarsonAllen
Bank Signatures	Kind, Quam, Courtney	Kind, Quam, Courtney
Building Official	Bob Manor	Bob Manor
Clerk	Gus Karpas	Gus Karpas
Depositories	Bridgewater Bank, Beacon Bank	Bridgewater Bank, Beacon Bank
Engineer	Bolton & Menk (Dave Martini)	Bolton & Menk (Dave Martini)
Fire Board Representative – 4th Wed (Jan, Mar, May, Jul, Sep, Nov)	Tom Fletcher, Bob Quam (alt.), Bill Cook (2nd alt.)	Tom Fletcher, Bob Quam (alt.), Bill Cook (2nd alt.)
Forester / Tree Inspector	Manuel Jordan	Manuel Jordan
Lake Minnetonka Communications Commission (LMCC) Representative 2 representatives, 1 must be elected official, meets 3rd Thurs (F, M, A, M, Jun, A, O, N)	Tom Fletcher, Deb Kind, Rob Roy (alternate)	Tom Fletcher, Deb Kind, Rob Roy (alternate)
Lake Minnetonka Conservation District (LMCD) Rep – 2nd and 4th Wed	Rob Roy (1/31/17)	Rob Roy (1/31/17)
Marina Clerk	Gus Karpas	Gus Karpas
Minnetonka Community Education (MCE) Representative – 4th Mon	Bob Quam	Bob Quam
Newspapers	Sun-Sailor, Star Tribune (alternate)	Sun-Sailor, Star Tribune (alternate)
Planning Commissioners – 3rd Wed	A-1 Douglas Reeder (8/11-3/16)	A-1 Douglas Reeder (8/11-3/16)
	A-2 Lake Bechtell (5/14-3/16)	A-2 Lake Bechtell (5/14-3/16)
	A-3 Dave Paeper (3/07-3/16)	A-3 Dave Paeper (3/07-3/16)
	B-1 Pat Lucking (2/01-3/15)	B-1 Pat Lucking (2/01-3/17)
	B-2 Kristi Conrad (10/11-3/15)	B-2 Kristi Conrad (10/11-3/17)
	Alt-1 Rick Sundberg (7/14-3/16)	Alt-1 Rick Sundberg (7/14-3/16)
	Alt-2 Fiona Sayer (8/14-3/15)	Alt-2 Fiona Sayer (8/14-3/17)
	Alt-3 Bill Cook (city council liaison)	Alt-3 Bill Cook (city council liaison)
Planning Commission Liaison – 3rd Wed	Bill Cook	Bill Cook
Public Safety City Administrator Committee Representative (police & fire)	Dana Young	Dana Young
Prosecutor	Greg Keller	Greg Keller
Responsible Authority (Govt. Data Practices Act)	Gus Karpas	Gus Karpas
Road and Sewer Liaison	Bob Quam	Bob Quam
South Lake Minnetonka Police Department (SLMPD) Coordinating Committee Representative (Must be mayor, meets quarterly)	Deb Kind, Bob Quam (alternate)	Deb Kind, Bob Quam (alternate)
Treasurer	Mary Courtney	Mary Courtney
Utility Billing Clerk	Deborah Hicks	Deborah Hicks
Weed Inspector (Must be mayor), Assistant Weed Inspector	Deb Kind, Assistant Gus Karpas	Deb Kind, Assistant Gus Karpas
Zoning Administrator	Gus Karpas	Gus Karpas

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF GREENWOOD, MINNESOTA that any and all commissioners, appointees, representatives, delegates, or other non-elected officials of the city shall hold their official status or membership on a basis subject to resolution, subject to reconsideration, and/or removal at the insistence of the city council. This resolution is enacted pursuant to the codes of the city.

ADOPTED by the city council of the city of Greenwood, Minnesota this 4th day of March 2015.

There were ___ AYES and ___ NAYS

By: _____
Debra J. Kind, Mayor, City of Greenwood

Attest: _____
Gus E. Karpas, City Clerk, City of Greenwood



Agenda Number: 7D

Agenda Date: 03-04-15

Prepared by Deb Kind

Agenda Item: Annual Contribution for St. Alban's Bay Aquatic Invasive Species Treatment

Summary: Councilman and Bay Captain Rob Roy will update the council regarding fundraising plans for St. Alban's Bay AIS treatment. The 2015 city budget includes a \$5000 contribution from the marina fund for this purpose.

Council Action: None required. Possible motions ...

1. I move the council approves payment of \$_____ from the marina fund for St. Alban's Bay Aquatic Invasive Species treatment and directs the city treasurer to send the funds to the Lake Minnetonka Association, managers of the treatment program.
2. Other motion ???



Agenda Number: 7E

Agenda Date: 03-04-15

Prepared by Deb Kind

Agenda Item: 2015 Lake Minnetonka Communications Commission Survey

Summary: The Lake Minnetonka Communications Commission (LMCC) sent each member city a survey to help guide budget decisions in the future. A copy of the survey is attached. The city council will complete the survey at the 03-04-15 council meeting.

Council Action: None required. Possible motions ...

1. I move the council authorizes the city clerk to complete the 2015 Lake Minnetonka Communications Commission survey with the answers as discussed and submit by the 04-02-15 deadline.
2. Other motion ???

2015 LMCC SURVEY



The Lake Minnetonka Communications Commission (LMCC) is seeking input from member city councils to help guide budget decisions in the future. Please complete this quick survey **(one per city council)** and return by April 2, 2015 to jim@lmcc-tv.org or to LMCC, 4071 Sunset Drive, PO Box 385 Spring Park, MN 55384. Your input is appreciated!

How high a priority is each of the following for your city?

	Very High Priority	High Priority	Neutral	Low Priority	Very Low Priority
Broadcasting and posting city council meetings on LMCC channels and website	<input type="checkbox"/>				
Agenda parsing* city council meetings that are posted on the LMCC website	<input type="checkbox"/>				
Broadcasting and posting other local government** meetings on LMCC channels and website	<input type="checkbox"/>				
Broadcasting and posting voter forums and candidate statements on LMCC channels and website	<input type="checkbox"/>				
Broadcasting and posting school concerts and sports on LMCC channels and website	<input type="checkbox"/>				
Broadcasting and posting community concerts and events on LMCC channels and website	<input type="checkbox"/>				
Creating, broadcasting, and posting LMCC-produced programming*** on LMCC channels and website	<input type="checkbox"/>				
Upgrading LMCC equipment and TV broadcasting to high definition (HD)	<input type="checkbox"/>				

Your City Name:

* *Agenda parsing allows the online user to click on an agenda topic to go directly to that section of the video recording.*

** *Examples of other local government meetings: police boards, fire boards, school boards, Lake Mka Conservation District, LMCC, etc.*

*** *Examples of LMCC-produced programs are: The Pulse, First Responder TV, Lakeside News, Sound Check, Around the Lake, etc.*



Agenda Number: 7F

Agenda Date: 03-04-15

Prepared by Deb Kind

Agenda Item: Authorization to Hire Attorney for Upcoming Variance Application

Summary: The city has received a variance application from a property owner who has a business relationship with the city attorney, therefore the city council needs to contract with another attorney to provide legal counsel regarding the variance application.

Council Action: Required. Suggested motions ...

1. I move the council authorizes the city zoning administrator to secure the services of a land-use attorney to provide legal counsel for an upcoming variance application. As will all variance applications, the attorney fees shall be paid by the applicant.
2. Other motion ???



Agenda Number: **9A-E**

Agenda Item: Council Reports

Summary: This is an opportunity for each council member to present updates and get input regarding various council assignments and projects. Related documents may be attached to this cover sheet.

Council Action: None required.



Agenda Number: **FYI**

Agenda Item: FYI Items in Council Packet

Summary: The attached items are included in the council packet for your information (FYI) only. FYI items typically include planning commission minutes, ViBES (Violations Bureau Electronic System) report of traffic citations processed by Hennepin County District Court, monthly report of activity on the Greenwood website, and other items of interest to the council.

Council Action: No council action is needed for FYI items.

February 10, 2015

Mr. Brian Burdick
4950 Sleepy Hollow Road
Greenwood, MN 55331



Dear Mr. Burdick,

The construction of an accessory structure on your property at the above address was started and essentially completed in 2014 without city approval or the issuance of the required permits and in defiance of a stop work order placed on the project in June 2014.

As a result, the city issued a civil citation to you on January 8, 2015. You responded to the citation in a letter dated January 21, 2015 and requested an administrative hearing per the process given with the citation.

I was working on setting up the administrative hearing process, when I received a certified survey via email from you on February 6, 2015 with a request to let you know how to proceed to obtain the proper permit for the accessory structure.

Your certified survey shows that your accessory structure does not comply with the minimum setback requirements in the city code. In fact, the NE corner of the structure, and the adjacent patio and fence, shown on the survey encroach into the city right-of-way. Therefore, you must apply for a variance prior to the city issuing a building permit. Since you would be applying for the variance after the structure has been built, city code section 1210.10 (4) requires that you pay twice the variance application fee ($2 \times \$400 = \800) in addition to the \$200 shoreland compliance review fee (required for all variance applications in the city). The variance application and checklist are attached for your reference.

The city's goal is to ensure compliance with the processes and rules in the city code. Therefore, the city will put a hold on selecting a hearing officer to allow you time to apply for a variance. If you do not submit a variance application by 4:30pm on February 23, the city will move forward with scheduling an administrative hearing.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Gus Karpas", written over a light blue horizontal line.

Gus E. Karpas
City Clerk / Zoning Administrator

Sent via regular mail, certified mail, and email

Cc: File
Mayor Kind and City Councilmembers
City Prosecutor Greg Keller



20225 Cottagewood Road
Deephaven, Minnesota 55331
(952) 474-6633
Fax (952) 401-7587

February 23, 2015

Mr. Brian Burdick
4950 Sleepy Hollow Road
Greenwood, MN 55331

Dear Mr. Burdick,

I have reviewed the application received by the city on February 18, 2015 for setback variances for the accessory structure that has been constructed on your property. Per Section 1155.15(3)(1) the city clerk has ten (10) days from the submittal of the application to notify you of any omissions or deficiency in the variance application and supporting documents. My review has found the following deficiencies and/or omissions:

- 1) Adjacent property owner's acknowledgement: You have included only one neighbor that is directly adjacent to your property and have omitted three that are adjacent to your property. These properties are 21520 Pineview Court, 21540 Pineview Court and 4960 Sleepy Hollow Road. These signatures must be submitted as part of a complete application.
- 2) The side yard setback indicated on the application is incorrect in that you do not take into account the platted right-of-way owned by the city which requires a thirty-five (35) foot exterior side yard setback as outlined in Section 1120.15 of the Greenwood Ordinance Code. In fact, the certified survey submitted with the request indicates the accessory structure encroaches onto the right-of-way by approximately two inches. This information must be changed on your application.
- 3) The variance application does not include required survey information related to the outline of the building pad. The application requires, "Outline of *building pad* setbacks according to the ordinance provision" This information must be included on the survey submitted with your application.
- 4) The variance application does not include required building volume, building height, or structure height calculations. This information must be submitted as part of a complete application.
- 5) The variance application does not include any type of structural plans. The application must include structural plans showing the structure as it was constructed.

This information must be submitted no later than **March 18, 2015**, for your variance application to be included on the April Planning Commission agenda. If you miss this deadline, the Administrative Hearing process will be reinitiated.

Thank you for your time and attention to this matter and if you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Gus Karpas". The signature is written in a cursive style with a large, stylized initial "G".

Gus Karpas
City Clerk/Zoning Administrator

Cc: File
Mayor Kind and City Councilmembers
Contract Attorney

**GREENWOOD PLANNING COMMISSION
WEDNESDAY, FEBRUARY 18, 2015
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, David Paeper, and Fiona Sayer

Absent: Commissioners Kristi Conrad, Douglas Reeder and Rick Sunberg

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

2. MINUTES – November 19, 2014

Commissioner Paeper moved to approve the minutes of November 19, 2014 as presented. Commissioner Bechtell seconded the motion. Motion carried 3-0-1. Commissioner Sayer abstained since she did not attend the meeting.

3. PUBLIC HEARINGS

Peter and Kim Johnson, 5085 Highview Place – Request for a Conditional Use Permit for the construction of a swimming pool.

Section 1125:05(3)(c) of the Zoning Ordinance permits the construction of a permanent in-ground, at-grade swimming pool for the use and convenience of the residents and their guests with the issuance of a Conditional Use Permit.

Chairman Lucking summarized the request and opened the Public Hearing.

Emails from Maureen Hogan, 5095 Highview Place and Chris Fields, 5075 Highview Place were discussed. Both expressed a desire to include screening around the proposed pool.

Hearing no further comment, the hearing was closed.

Commissioners Sayers and Paeper had no issues with the pool but agreed some type of screening should be required.

Council Liaison Cook agreed, but is less inclined to have a requirement that the screening be a fence since that gives a false sense of security.

Commission Bechtell also had no issue with the request.

Chairman Lucking supported the request and would also like to see some type of screening around the pool and felt a row of arborvitae more provide a more substantial screen than a fence.

Commissioner Bechtell moved the Planning Commission recommends the council accept the recommendation of staff to approve the application of Peter and Kim Johnson for the Conditional Use Permit to construct a permanent in-ground, at-grade swimming pool at the property located 5085 Highview Place, as presented. The proposal meets the criteria outlined in Section 1150.20 of the ordinance in that; a) The proposed swimming pool complies with the specified regulations of the district in which it is located; b) The use is a permitted conditional use in the R-2 zoning district; c) The use would not be detrimental to or endanger the general welfare of the neighborhood or city; d) The use is harmonious with the objective of the comprehensive plan since it is a residential use; e) The use will not be hazardous or disturbing to existing or future neighboring uses; f) The use will be adequately served by essential public facilities and services;

GREENWOOD PLANNING COMMISSION
WEDNESDAY, FEBRUARY 18, 2015
7:00 P.M.

g) There will be no excessive additional costs for public facilities or service and will not be detrimental to the economic welfare of the community; h) The proposed use will not include uses that would be detrimental to any persons due to traffic, noise, smoke fumes, glare or odors; i) The use will not create traffic congestion; j) There will be no loss or damage of any natural, scenic or historic features; and k) The use will not depreciate surrounding property values.

The motion is conditioned that the pool be screened from adjacent properties and the public right of ways through fencing or natural vegetation.

Chairman Lucking seconded. Motion carried 4-0.

Michael and Deb Anderson, 5105 Weeks Road – Conditional Use request for the construction of a swimming pool and a variance request to exceed the maximum permitted grade alteration to re-grade their property.

Section 1120:05(3)(b) of the Zoning Ordinance permits the construction of a permanent in-ground, at-grade swimming pool for the use and convenience of the residents and their guests with the issuance of a Conditional Use Permit.

Section 1140:19(5) states “The existing grade of a lot shall not be altered by the addition or removal of fill or by grading so as to increase or decrease the average elevation of the land by more than 1 foot in any area greater than 100 square feet without the approval of the City Engineer. Any elevation increase or decrease of more than 2 feet in any area greater than 300 square feet requires a variance. The measurements shall be calculated by averaging the lowest point of elevation and highest point of elevation in the square foot area on the existing survey compared to the proposed survey.”

The applicant proposes to alter the grade by six feet and seeks a variance to exceed the maximum permitted grade alteration by four feet.

Chairman Lucking said the applicant has a large area of land to work with for the placement of the pool and has not concerns about the proposed location. In terms of the proposed grading, he said the intent of the ordinance was to prevent lots from being built up and having a house placed on an artificial grade. He said the applicant is seeking to shape the lot to address drainage.

Scott Ritter, Topo, LLC, said the property consists of three properties combined into one which originally had three home, two which have been removed. He said the request is to message the grade into on cohesive property. He said the design is to create a number of plateaus to slow down the energy of the water as it moves down the lot towards the lake. They have also looked at adding some subsurface drainage to help filter the run-off.

Chairman Lucking noted the greatest grade alteration appears to be at the corner of the patio near the pool. Mr. Ritter said it was, but the wall disappears quickly into grade. Lucking asked about landscaping along St. Alban’s Bay Road. Mr. Ritter said the intent is to add a minimum of fifteen trees, but the final landscaping plan has not been completed as of yet.

Council Liaison Cook discussed his concerns about what is shown on paper and what is actually built in the field, noting in many cases they don’t match. He pointed out that some minor changes on the plan contours, especially near the property line, could work better than what is shown. He informed the applicant if the drainage does not work after the grading is completed, changes will have to be made after the fact. Mr. Ritter said he understood that and believes the plan as drawn will work as he takes grading and drainage seriously.

Chairman Lucking asked about the retaining wall shown on the plan. Mr. Ritter discussed the wall and its intent in the overall drainage scheme.

**GREENWOOD PLANNING COMMISSION
WEDNESDAY, FEBRUARY 18, 2015
7:00 P.M.**

Commissioner Paeper commented he didn't see a massive difference between the existing and proposed grade and any change was very subtle. He conceded that much of the information was beyond the expertise of the Planning Commission and they do have to rely on the City Engineer and his review of the project.

Commissioner Paeper moved the Planning Commission recommends the council accept the recommendation and findings of staff to approve the application of Mike and Deb Anderson for the Conditional Use Permit to construct a permanent in-ground, at-grade swimming pool at the property located 5105 Weeks Road, as presented. The proposal meets the criteria outlined in Section 1150.20 of the ordinance in that; a) The proposed swimming pool complies with the specified regulations of the district in which it is located; b) The use is a permitted conditional use in the R-2 zoning district; c) The use would not be detrimental to or endanger the general welfare of the neighborhood or city; d) The use is harmonious with the objective of the comprehensive plan since it is a residential use; e) The use will not be hazardous or disturbing to existing or future neighboring uses; f) The use will be adequately served by essential public facilities and services; g) There will be no excessive additional costs for public facilities or service and will not be detrimental to the economic welfare of the community; h) The proposed use will not include uses that would be detrimental to any persons due to traffic, noise, smoke fumes, glare or odors; i) The use will not create traffic congestion; j) There will be no loss or damage of any natural, scenic or historic features; and k) The use will not depreciate surrounding property values.

Commissioner Bechtell seconded. Motion carried 4-0.

Chairman Lucking moved the Planning Commission recommends the council accept the recommendation and findings of staff to approve the application of Mike and Deb Anderson for the variance to exceed the maximum permitted grade alteration by four feet to re-grade the property located 5105 Weeks Road, as presented. The proposal meets the practical difficulties standards outlined in Section 1155.10(4) in that; a) the applicant proposes to re-grade the property in a manner not permitted by the zoning ordinance; b) the circumstances requiring the grading is based on the need to reshape the lot due to the removal of two older principal structures when the three properties lots were combined under one PID; and c) the proposal will not alter the essential character of the neighborhood, rather it will help control the run-off on the property lessening the current issues on adjoining properties.

Commissioner Sayer seconded. Motion carried 4-0.

4. LIAISON REPORT

Council Liaison Cook said the Council listened to a presentation from the SLMPD about the POLD (Place of Last Drink) program, which seeks to document establishments that may be over-serving alcohol. Cook said the Council passed the Lake Improvement District (LID) and sent out requests for proposals for recycling.

5. ADJOURN

Motion by Commissioner Paeper to adjourn the meeting. Commissioner Bechtell seconded the motion. The meeting was adjourned at 7:52 pm.

Respectively Submitted,
Gus Karpas - Zoning Administrator