

**GREENWOOD PLANNING COMMISSION
WEDNESDAY, SEPTEMBER 16, 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, Kristi Conrad, David Paeper, Douglas Reeder, and Fiona Sayer

Absent: Commissioner Rick Sundberg

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

2. MINUTES – July 21, 2015

Commissioner Conrad made two corrections to page 8 of the minutes regarding the nature of her comments. Commissioners Bechtell moved to approve the minutes of July 21, 2015 with the noted corrections. Commissioner Conrad seconded the motion. Motion carried 7-0.

3. PUBLIC HEARINGS

3a. Consider Variance Request, Jon Connolly of Gonyea Homes for 6 Maclynn Road

Chairman Lucking introduced the agenda item and opened the public hearing. He stated that Jon Connolly of Gonyea Homes, the architect, is requesting a variance from the lakeshore setback for the construction of a new house at 6 Maclynn Road. Lucking said that Section 1120:15 of the Zoning Ordinance requires a minimum lake yard setback of fifty feet and that the applicant is requesting a variance of eight feet, nine inches of the required lakeshore setback.

Bill Kaufmann of Gonyea Homes said that he and the homeowners were available for questions but that they agreed with the conclusion of the staff report.

Commissioner Conrad asked if the City Engineer's comments had been addressed yet. Zoning Coordinator Cooney said that they had not been addressed.

Chairman Lucking opened the public hearing.

Councilmember Cook said that, for the sake of consistency, staff should bring any non-conformities through the variance process. City Attorney Mark Kelly said this was how the city would monitor if a proposal was an expansion of a non-conformity or not.

Chairman Lucking asked if there were any comments. Hearing none, Chairman Lucking closed the public hearing.

Chairman Lucking asked for any comments from the commissioners. Commissioner Reeder said that it was a good attempt to meet the existing footprint of the home. Several other commissioners stated that they agreed with Reeder's comments.

Chairman Lucking entertained a motion to approve the proposal as submitted conditioned on compliance with the City Engineer's comments. Motion to approve by Commissioner Reeder, seconded by Commissioner Paeper. Motion carried 5-0.

Councilmember Cook asked that the hardcover on the survey be recalculated to remove the gravel area from the hardcover calculation.

3b. Consider Variance Request and Conditional Use Permit Request, Dale Gustafson for 5025 Covington

Chairman Lucking introduced the agenda item and opened the public hearing. He stated that the request is for the issuance of a variance to exceed maximum allowable hardcover of 30% and a conditional use permit to alter the site/lot topography involving more than 200 square feet of surface area, and involving more than 20 cubic yards of material use permit for improvements at 5025 Covington Street.

Dale Gustafson, the applicant, said that they were asking for an impervious surface variance to increase the driving surfaces on the property. Gustafson said that the house was created for another owner and that the remaining hardcover left little room for drivable surfaces, and that there is no other parking at the garage level. Gustafson said there is not a good area on the property for senior visitors.

Gustafson said that the planning commission might not feel that the application met the hardship standard, but that the applicant was proposing a significant reduction in hardcover through a number of mitigation measures. Gustafson discussed the number of mitigation measures including an infiltration trench, raingardens, and water storage. Gustafson said that the mitigation measures could handle 1.7 times the runoff area of the property. He said that mitigating the property to this degree could offer a precedent setting environmental standard in exchange for consideration of the variance.

Councilmember Cook asked if there were any soil borings done on the property and how that would impact the raingarden maintenance. Cook said that the Planning Commission should be careful about setting a precedent allowing for mitigation, particularly on a property that has so much square footage.

Commissioner Bechtell said that raingardens are temporary solutions and that there was no way to follow-up. Gustafson said that raingardens could be rebuilt.

Gustafson said that there would be a 10,000 gallon storage tank and that the storage tank could hold all of the water from a 1" rainfall for the property for every month but one. He said that the storage tank would then be used to irrigate the lawn.

Commissioner Reeder said that we were beating a dead horse if the city were not going to address mitigation. Chairman Lucking said that the mitigation efforts were not attempting to address the runoff to the neighbor on the south who would be most impacted by the proposal. Lucking asked why the trench was not put in along the front of the driveway.

Gustafson said that he didn't think there was room to do it on that side.

Commissioner Bechtell said that he liked what they were trying to do, but that there is not a precedent for this. Chairman Lucking said that it was hard to find a practical difficulty. Councilmember Cook said that the Planning Commission and City Council need to consider what role mitigation plays, if any.

Chairman Lucking said that, based upon the age of the owners, the city could be looking at new owners in 15 years.

City Attorney Kelly said that the biggest problem for the city would be monitoring the property going forward to that the mitigation systems are functioning properly. Councilmember Cook said it was the role of the city to take care of the property, not the property owners.

Chairman Lucking closed the public hearing. Chairman Lucking asked the Planning Commissioners if they had any comments.

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Commissioner Bechtell said that he liked the idea but that the city couldn't do anything in this case. Commissioner Paeper agreed that he liked the concept and recognized the need but did not think the city had a vehicle to approve this concept.

Councilmember Cook said that the house was made as big as it could be and that he did not think approval was appropriate for the planning commission.

Commissioners Reeder and Conrad said that they did not see a practical difficulty argument.

Chairman Lucking said that, while he believed that the current owners would keep the mitigation systems running, he was skeptical that future owners would be as diligent.

Commissioner Conrad asked if the Planning Commission would act on both the variance and the conditional use permit with one motion.

Zoning Coordinator Cooney said that the Planning Commission could deny the variance but approve the conditional use permit if the applicant wanted to maintain the grading as proposed.

Commissioner Reeder asked if it made any sense to approve the new plan without the variance. Commissioner Conrad said that the new grading might be an improvement over the previously approved plan. Chairman Lucking said that the variance and Conditional Use Permit are so closely tied that it would be hard to separate them.

Commissioner Bechtell asked the applicant if they wanted to consider withdrawing the application. City Attorney Kelly said that the applicant would have to wait a year to reapply, or that the city could extend their timeline by sixty days.

Gustafson said that the plan previously approved by the city was workable as approved, and that he would continue on to review by the City Council.

Chairman Lucking entertained a motion for the variance request. Commissioner Bechtell motioned to deny the plan as presented. Motion was seconded by Commissioner Paeper. Motion carried 5-0.

Chairman Lucking motioned that, as proposed, the Conditional Use Permit was too closely tied to the variance request to move forward on its own merits. City Attorney Kelly made a friendly amendment to the motion to say that without the variance, the interest in the public health, safety and welfare are not being met. Commissioner Reeder seconded the motion. Motion carried 5-0.

3c. Consider Draft Ordinances of the City of Greenwood, Minnesota amending Greenwood City Code Chapter 11: Zoning regarding Signage and Accessory Structures

Chairman Lucking introduced the agenda item. Councilmember Cook pointed out that this was the public hearing for these amendments and that recommendations should be submitted to the City Council.

City Attorney Kelly suggested a Conditional Use Permit for items between 5 and 10 feet from the lot line. Kelly said that 5 feet back from the lot line would be a clear zone. Kelly said that the Conditional Use Permit would allow for these things to be reviewed by the Planning Commission and City Council.

Councilmember Cook said that, as proposed, the ordinance would allow for boat houses. He said this is a big change and that this is a conversation that needs to be had.

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Councilmember Conrad asked if this is was something the city would want to do. Kelly said that the ordinance could be as restrictive as the city wants. Councilmember Conrad said that most lots are narrow at the lakeshore and that, because of this, boathouses could significantly block views to the lake. City Attorney Kelly suggested that this section of proposed code might need to be moved to the Shoreland Management District.

Chairman Lucking said that the Planning Commission should look at the proposed sign ordinance first.

Councilmember Cook said that, as proposed, the ordinance would end up increasing the sizes of the signs. Cook said that if the 6" frame requirement is removed, the signs would get bigger. Councilmember Cook said that there were also revised limitations on monument signs.

Cook said the Planning Commission should make recommendations tonight, but that the City Council may also incorporate changes at the first reading and second reading.

Commissioner Paeper asked if we should remove the front facade limitation in the ordinance since a building might want to have signs on multiple facades. Commissioner Paeper asked if subdivision I of the sign ordinance would allow for multiple tenants to have 75 square feet each.

Commissioner Conrad asked if subdivision C would disallow business identification graphics that are allowed by rights. Councilmember Cook said that he thought this should be modified.

Councilmember Cook suggested that the Planning Commission recommend approval of the ordinances with revisions. Cook said that suggestions could be passed on to the City Council prior to the meeting.

Chairman Lucking entertained a motion to pass the sign ordinance with revisions. Commissioner Paeper motioned to pass the sign ordinance with revisions. Motion was seconded by Commissioner Bechtell. Motion carried 5-0.

Chairman Lucking introduced the ordinance related to accessory structures.

Councilmember Cook said that he was a little nervous about some of the detail in the ordinance related to things such as bird feeders since could generate more complaints. Cook said that the city needs to be careful in how these items are characterized and if the item should be on the list. Cook said that variances would be required to deviate from anything that is put in the ordinance.

City Attorney Kelly said that he thought there should be a list of items that can be within the setbacks, those that are conditionally allowed, and those that are not allowed.

Councilmember Cook said that one of the problems when you start talking about accessory structures is that everything is an accessory structure. He said the city's definition is so broad that it makes almost anything in the yard an accessory structure. Cook said that the point of the ordinance is to have degrees of structures.

Attorney Kelly said that perhaps there should be a 5 foot greenspace buffer along the property lines. He said the goal is to keep intense uses out of the side yards. Kelly said that he is concerned about the difficulties of managing a list of items, since inevitably there will be something that is not on the list that falls into a gray area. Kelly said that it could be problematic to have at-grade improvements that go right to the lot line.

Chairman Lucking said to send any comments or changes to Zoning Coordinator Cooney.

Chairman Lucking motioned to pass the sign ordinance with revisions. Motion was seconded by Commissioner Conrad. Motion carried 5-0.

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4. LIAISON REPORT

Council Liaison Cook said that the city wanted to install a median on Meadville Street to slow traffic. Cook said that there was opposition to the median, so the city decided to paint the median instead. Cook said that smoke testing was postponed and will instead take place next week. Cook said that the Talebi household had submitted their landscaping plan for 5570 Maple Heights road. Cook also addressed proposed revisions to dock rules in an effort to simplify them.

5. ADJOURN

Motion by Commissioner Paeper to adjourn the meeting. Commissioner Bechtell seconded the motion. Motion carried 5-0. The meeting was adjourned at 9:36 pm.

Respectively Submitted,
Dale Cooney - Zoning Administrator