

**GREENWOOD PLANNING COMMISSION  
WEDNESDAY, JULY 20, 2016  
7:00 P.M.**

**1. CALL TO ORDER/ROLL CALL**

Chairman Lucking called the meeting to order at 7:02 p.m.

Members Present: Chairman Pat Lucking, Commissioner Doug Reeder, Council Liaison Bill Cook (Serving as 3<sup>rd</sup> Alternate to achieve quorum)

Others Present: Zoning Administrator Dale Cooney

Absent: Commissioners Lake Bechtell, Kristi Conrad, and Fiona Sayer

**2. MINUTES – June 21, 2016**

Commissioner Reeder moved to approve the minutes of June 21, 2016 as written. Chairman Lucking seconded the motion. Motion carried 3-0.

**3. PUBLIC HEARINGS**

**3a. Public Hearing for Ordinance 258, Regarding Temporary Family Health Care Dwellings**

Chairman Lucking introduced the agenda item and opened the public hearing. Hearing no public comments, Lucking closed the public hearing.

Motion by Reeder to recommend adopting Ordinance No. 258; an Ordinance of the City of Greenwood, Minnesota amending Greenwood Ordinance Code Section 1140.05 to opt out of the requirements of Minnesota Statutes Section 462.3593, as written. Motion was seconded by Lucking. Motion carried 3-0.

**3b. Public hearing for Ordinance 257, Amending Noxious Tree List in City Code Section 1140.80**

Chairman Lucking introduced the agenda item and opened the public hearing. Hearing no public comments, Lucking closed the public hearing.

Diane Mulligan of 5120 Meadville Street entered the meeting at this time. Lucking asked if she was at the meeting for a particular agenda item. She introduced herself and said that she was new to Greenwood and was just here out of curiosity.

Cook said that he was willing to debate the ordinance change at the council level. He said that this is an attempt to fix a problem that doesn't exist. Cook said that this is not an ordinance to clear cut.

Commissioner Reeder said that Cottonwood trees are a problem. Reeder asked what the impact would be of removing Cottonwood trees from the noxious tree list. Cook said that property owners would have to adhere to the annual permitted tree harvest limitation. Reeder asked if you could plant a noxious tree. Cooney said that there are not limitations on the types of trees a property owner can plant.

Motion by Reeder to recommend maintaining the current ordinance regulations. Motion was seconded by Cook. Motion carried 3-0.

**4. NEW BUSINESS**

**4a. Review Draft Ordinance Amending Section 1140.19 regarding Grading Conditional Use Permits and Variances**

Lucking said that these amendments leave much of the decision-making up to the city engineer, which had caused the problems in the first place.

Cook said that he thought the most significant missing change was that of the intent of the ordinance. He said that the intent of the ordinance was the city review of substantial grading projects, prevention of drainage issues, and to monitor the modification of grades in order to circumvent building height restrictions. Cook said that intent language should be added. He said that he thinks the 20 cubic yard threshold should be lowered to 7 cubic yards. Cook said that 20 cubic yards is approximately equal to 3 feet of grade change in an area of 200 square feet, which is in conflict of the rules. Cook said that 7 cubic yards equals 1 foot of grade change over 200 square feet. Cook said that 7 cubic yards should trigger a conditional use permit.

Cook said that the changes in Subdivision 3 were wordsmithing, but that he was not opposed to those changes. Cook said that he was fine with the changes in Subdivision 4 regarding the conditional use permit considerations.

Commissioner Reeder said that requesting a conditional use permit and a variance for the same project does not make any sense.

Cook said that he thinks a variance process is fine since the practical difficulty standard is not a difficult threshold.

Reeder said that he felt a conditional use permit was more appropriate and did not want the city to be challenged for determining practical difficulties where they may not exist. Cooney said that, in theory, the conditional use permit is less restrictive whereas in a variance the burden of proof for a practical difficulty is on the applicant.

Cooney said that the fees for a project that triggers both a conditional use permit and a variance are double. Lucking said that the city should make it such that there is only a single fee.

Motion by Reeder to submit to the city council the draft Ordinance Amending Section 1140.19 regarding Grading Conditional Use Permits and Variances, as amended to include the intent of the ordinance and to change the threshold for a conditional use permit from 20 cubic yards to 7 cubic yards. Motion was seconded by Lucking. Motion carried 3-0.

**5. LIAISON REPORT**

Council Liaison Bill Cook said that the city engineer had presented information regarding sewer flow allocation. He said that there is some disagreement between the city and the Metropolitan Council about the allocation. Cook said that sump pumps might be an issue and that inspections might be necessary.

Cook said that there is a city budget meeting at 6 p.m. on August 3<sup>rd</sup>. He said that the city has used its bonding capacity in support of other non-municipal projects in the area. Cook said that the 5145 Weeks road variance and conditional use permit requests were approved.

Cook said that there was some discussion about the city fire lane between 5120 and 5130 Meadville Street. Cook said that there was a list of maintenance items, some of which were approved, some of which were not.

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Mulligan asked where the list came from. Cook said that he did not know, but assumed it was generated by the administrative committee based on neighborhood requests. Cook said that one of the maintenance items was removal of the lilac bushes, and that he had received complaints about that decision. He asked Cooney to confirm with public works and make sure the bushes would not be removed.

**6. ADJOURN**

Motion by Cook to adjourn the meeting. Reeder seconded the motion. Motion carried 3-0. The meeting was adjourned at 7:40 p.m.

Respectively Submitted,  
Dale Cooney - Zoning Administrator