

**GREENWOOD PLANNING COMMISSION
WEDNESDAY, FEBRUARY 15, 2017
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, Commissioners Lake Bechtell, Jennifer Gallagher, Doug Reeder(arrived at 7:05), Fiona Sayer, and David Steingas

Others Present: Councilmember Bill Cook, City Attorney Mark Kelly, and Zoning Administrator Dale Cooney

Absent: Council Liaison Kristi Conrad

2. MINUTES – December 21, 2016

Commissioner Bechtell moved to approve the minutes of December 21, 2016 as written. Commissioner Steingas seconded the motion. Motion carried 5-0.

3. PUBLIC HEARINGS

4. NEW BUSINESS

4a. Review Draft Ordinance Amending Sections 1115.00 through 1125.25 to Simplify and Regulate Residential Zoning Based on Lot Size.

Chairman Lucking introduced the agenda item. Lucking said that he had asked Cooney for a list of undeveloped lots within the city. Lucking said that he had attempted to calculate the setbacks for the vacant lots facing Highview Place based upon Mayor Kind's proposed formula. He said he chose these because they were corner lots. He said that many of the small lots are on Minnetonka Boulevard but that the proposed changes would impact someone's backyard.

Steingas asked if all of the vacant properties were assessed for sewer installation when it was originally installed. He said that, if they were, how the city could claim a lot was unbuildable.

Cook said that no lot should be considered unbuildable until it has been fully vetted via the city process. He said that he was not in favor of setbacks tied to the overall size of a lot, but preferred that the relevant dimension (width, or length) be the primary factor in determining the setback. Cook said that this is an investigative process at this point intended to collect information and gather input. He noted that the current shoreland ordinance also has some language that applies to zoning. Cook said that he hears the concerns of Lucking regarding the small vacant lots on Minnetonka Boulevard, but he said that the city has been charging taxes on these lots as if they were suitable residential properties. He said that he estimates that one-third of the lots within the city are non-conforming and that the goal of this ordinance was to make more lots conforming. He said that the shoreland language refers to lots as small as 4,500 square feet. He said that he would like something slightly larger and 5,500 square feet covers all the lots that he can find. He said that it would be hard to not allow building on the Minnetonka Boulevard sites since there are a number of residential lots that are smaller than those.

Lucking noted that the mayor's proposal had setbacks tied to lot size. Cook said that some lots are very skinny and are limited in what they can build, but might otherwise be large lots. He said that in those cases he would like to have the setbacks based on the width, not the lot size. Steingas said that, for example, a 100 foot wide lot

GREENWOOD PLANNING COMMISSION
WEDNESDAY, FEBRUARY 15, 2017
7:00 P.M.

might have 15 foot setbacks and they would be reduced as a percentage from that point. Cook agreed that was the concept.

Cook said that the city council was interested in increasing the hardcover percentages for some of the smaller lots.

Lucking asked about the concept of a taking. He said that if an undersized property had a house on it then the home could be rebuilt, but if it did not have a house on it then it could not be built on. Kelly said that he had not read the proposed ordinance or heard the city council discussion, but that broadly speaking he said that a reasonable use on the property would not allow it to be considered a taking. He said that the city code at the time of purchase is a factor. He said that a taking cannot have taken place until a variance has been applied for and denied for the expected use.

Lucking asked about the precedent for allowing a home on a smaller lot, if the city needed to allow similar sized lots the same rights or otherwise it could be considered a taking. Kelly said that the city has never told someone with an existing house that they cannot build on the lot. He said that he favors the variance process since it allows the neighborhood to be given notice and to be heard. He said that with the new code, there is still the right to request a variance and that it is only a matter of time before someone comes in to request a reduction from the proposed reduced setbacks.

Cook said that he still wants variances. He said that a variance is a negotiation. He said that there are a lot of 50 foot wide lots in the city and that variances are important. He said that one of the primary goals of the proposal was to allow for more normal houses on some of these smaller lots.

Kelly said that, with the expectation that there will be variance requests from the already narrow setback standards, the city should include some language related to minimum standards for health, safety, and welfare. He said that the point of the setback is to prevent the spread of fire and to allow access in the case of a fire. He said that there would need to be enough room to allow for proper drainage of the property. He said that many of these lots were platted for cabins and campsites, and were not necessarily envisioned for their current use.

Steingas asked about setback requirements in some of the other lake communities with small lots such as Tonka Bay. Kelly said that they have the same issues and that there setbacks are remarkably narrow, as narrow as 5 feet.

Steingas asked about Cook's most recent proposal that allows for a 15 foot front setback if there is a lake yard. Cook said that on some of the smaller lots, they are already being penalized with the 50 foot lake yard setback and that a smaller front yard setback would help accommodate the challenges for the lot. Steingas said that 15 feet is not enough to park a car. Cook said that is what we have now in many situations, but he conceded that in some cases people are parking within what is actually the city's right-of-way.

Reeder said that he has a 12,000 square foot lot and he does not like the idea of smaller lots. Lucking said that there are only a small number of undeveloped properties within the city and that it would not impact many lots.

Cook said that he viewed the situation differently and that all houses within the city are potential teardowns.

**GREENWOOD PLANNING COMMISSION
WEDNESDAY, FEBRUARY 15, 2017
7:00 P.M.**

Cooney asked if the purpose of the ordinance was to help set expectations on what might be built on a smaller lot before having to go through the time and expense of bringing fully-developed plans to the city for a variance. Cook said that it is partly an assessor question since they have a simple formula that does not reflect the value of the lot. He said that assessors value lakeshore lots based on lake frontage in a simplistic way.

Kelly suggested that there be a formula for a reasonable use to set minimum expectations on small lots including house footprint, garage, driveway, patio. Kelly said that anything beyond that could be considered an exceptional request. He said that the small lots should not be entitled to structures comparable to larger lots, otherwise they should have purchased a larger lot. Cook said that this concept was part of his proposal.

Bechtell said that he was lost trying to find the differences between the zoning districts. Kelly said that R-2 was created for Georgetown Manor. He said that R1-B came later for Oak Street and Lyman Lodge subdivisions.

Reeder asked why there was even a conversation about minimum lot size. He said that the lots are what they are, and there are not that many undeveloped lots, and that the only issues to address are setbacks and hardcover.

Cook said that the information about lot size was less about what is buildable, and more about setting the standards for setbacks and impervious area that go with each lot size category.

Reeder said that he agreed with the idea of eliminating the multiple zoning districts. Steingas said that he also liked the consolidation, but that the real challenge will be in working out the details. Bechtell agreed.

Cook said that people who think that the city is going to be able to tell them exactly what they can do on their lot will be disappointed, and they will likely show up at the planning commission asking for more. Kelly reiterated the idea of setting a minimum reasonable use in order to blunt these types of variance requests.

Cooney asked, for the record, if there were any objections from the planning commission on the broad outlines of the proposed ordinance. The consensus from the planning commission was that they supported the concept, but that working out the details will be difficult.

Bechtell said that the smallest undeveloped lots look to be about 7,500 square feet and that should be the minimum. Lucking said that is true but that the city cannot take away an existing lot. Kelly said that there is a distinction between the minimum lot size of 15,000 and the variable setback standards for undersized lots. Reeder said that the minimum lot size should still be 15,000 square feet, and the code is simply trying to accommodate existing, legal non-conforming smaller lots.

Lucking said that he liked the idea of including a minimum legal use for which no variance would be required. He asked why, if someone is building within an existing nonconforming footprint, the city reviews variance requests since state law requires that the city allow them to rebuild within that footprint. Steingas said that in some cases, having a minimum standard would give people more than what they already have with their non-conforming house. Reeder said that was fine if they could meet the setback requirements of the new code. Steingas said it could be tricky with nonconforming houses that don't meet the setbacks.

**GREENWOOD PLANNING COMMISSION
WEDNESDAY, FEBRUARY 15, 2017
7:00 P.M.**

Sayer asked which lots are now buildable. Lucking said that most of the vacant lots might be buildable, except for those corner lots that have increased setbacks on two sides which would squeeze the buildable area.

5. LIAISON REPORT

Council Liaison Kristi Conrad was absent and therefore no liaison report was presented.

6. ADJOURN

Motion by Steingas to adjourn the meeting. Reeder seconded the motion. Motion carried 5-0. The meeting was adjourned at 8:31 p.m.

Respectively Submitted,
Dale Cooney - Zoning Administrator