

**GREENWOOD PLANNING COMMISSION  
WEDNESDAY, MAY 16, 2017  
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, Commissioners Lake Bechtell, Jennifer Gallagher, Doug Reeder, and David Steingas

Others Present: Council Liaison Kristi Conrad and Zoning Administrator Dale Cooney

Absent: Commissioner Fiona Sayer

**2. OATH OF OFFICE**

Jennifer Gallagher took the oath of office for her new term.

**3. MINUTES – April 19, 2017**

Commissioner Steingas moved to approve the minutes of April 18, 2017 as written.

Commissioner Reeder seconded the motion. Motion carried 5-0.

**4. PUBLIC HEARINGS**

**4a. Consider variance request of Diane Mulligan to build a fence that would encroach into the lake yard setback, exceed the height limitation for a front and lakeside fence, and encroach into the clear zone for a road intersection for the property at 5120 Meadville Street**

Chairman Lucking introduced the agenda item. He said that Diane Mulligan, property owner, is proposing to remove a non-conforming split-rail fence and replace it with a 6 foot privacy fence. Lucking said that Section 1140.25 of the zoning ordinance regulates fences.

Chairman Lucking Opened the public hearing.

Diane Mulligan, applicant, said that she is replacing a fence on the side yard. She said that currently there is a 50 year old split rail fence. She said that the trees along the property line make it difficult to plant hedges so she is proposing a privacy fence instead.

Lucking said that for the fire lane at 5050 Meadville, the city allowed a full height fence in the front yard and then reduced it to 3 feet at the lake yard setback.

Cooney said that he interprets city code to limit the fence height to 3 feet from the front setback line to the front lot line. He said that the height in this area is further limited by the corner lot visibility restrictions which limit the fence height to 30 inches from the point of the intersection to 50 feet back.

Lucking said that the elevation of the berm in that area makes it practically a 5 foot fence. Bechtell said that the berm would give them additional privacy.

Steingas said that he did not see a practical difficulty and felt that the fence should be compliant. Cooney asked about the nonconforming section within the lake yard setback. Steingas said that they could keep the split rail fence in that section if they want.

Motion by Steingas to recommend denial of the variance request. Motion was seconded by Gallagher. Motion carried 5-0.

**4b. Public Hearing to consider subdivision request of Kyle Hunt & Partners, consultant for the homeowners, to divide the property at 5135 Weeks Road into two buildable lots and an outlet for access purposes.**

Chairman Lucking introduced the agenda item. Commissioner Reeder recused himself and relocated to the audience. Lucking opened the public hearing.

Kyle Hunt of Kyle Hunt and Partners, applicant, said that he believes that some dialogue is necessary for the proposal as it relates to access. He said the code requires a 30 foot wide road and 10 feet right-of-way on either side of the road, which is wider than Weeks Road. He said this requirement is not in character with the neighborhood, and a number of trees would need to be removed to meet the requirement. Hunt said that changing the outlet would change the rest of the proposal. Hunt said that he did not think the ordinance was put in place for this sort of two lot subdivision.

Conrad asked about the outlet. Hunt said the outlet goes hand-in-hand with the private street requirement. Conrad asked if the private street could be part of a parcel. Lucking said it could not.

Reeder said that the outlet is created because the property owner needs the street frontage. He said that unless there is a hardship, the requirement should not be reduced. Lucking said that code does not require a certain street frontage width, but requires either 100 feet of street frontage or 100 feet of lake frontage.

Steingas asked about shared driveway situations. Cooney said that there were shared driveways in Greenwood but the code is attempting to avoid creating new ones. Steingas said that he lives on a shared driveway, but it looks like a road. Gallagher asked about the maintenance. Steingas said that he was not aware of a formal agreement for his driveway. Hunt said that they are meeting the requirements, but that it doesn't make sense to do it this way.

Steingas said that he visited the site and that there is difficult topography. He said that this was his concern more than hardcover or access. He said that he thinks there will likely be drainage issues near the existing garage. Steingas said he might recommend a small cul-de-sac at the end of Weeks Road that would serve all the properties there. Bechtell said that he was concerned about the drainage as well. Steingas said that he did not think that the outlet and private street requirement make sense in this case.

Gallagher said that her concern was all the trees that would be removed that would affect the adjacent homeowner. She also asked about the drainage. She said that when Reeder's parcel was split off it helped create this situation. Gallagher said that a shared driveway solution might be necessary, but she did not see that in the code.

Lucking said that a portion of the property could be dedicated to the city to create a cul-de-sac.

Conrad said that the alignment of the lot saves the existing house but makes a smaller lot for the other house. She said that she was worried that someone would come in and ask for variances as soon as the subdivision is approved. Conrad asked about hardcover and how the survey shows some proposed and some existing conditions. Hunt said that there were a couple of iterations and the red notations were simply further hardcover removal. Conrad said that she was skeptical that some areas might be added back in.

Hunt said that, regarding drainage, the lower area that people were referring to is currently handling water. He said that, at the building process, the drainage issue can be handled via mitigation techniques such as raingardens. He said it is good to talk about them, but that they are all doable. He said that he did not want to come with a plan that did not meet the ordinance and

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have it denied on that basis, but that there are some issues regarding access that don't make sense for this type of subdivision.

Conrad asked about the proposed lot line and moving it to make the properties more evenly sized. Hunt said that, they discussed that option, but that would eliminate the possibility that the homeowners could keep their house. He said that, not having a buyer for one or both of the lots makes that challenging.

Hunt said that, to Conrad's earlier concerns, the proposed house is an actual house that his company has built in the past. He said that he has elevations of the house if that would help, but that the house is only a hypothetical at this point. He said that if he were approached by a buyer that wanted to request variances to build their dream house, he would tell them that this is not the lot for them.

Conrad asked about the hardcover on the outlot being over 30%. Hunt said that there is enough hardcover on the other portions of the property that could be removed to get this property under 30%. Conrad said that she would want to see that shown in a plan at the next meeting to confirm it is possible.

Lucking said that his preference for the new lot would be a lot without any of the existing non-conformities such as a garage and deck. Hunt said that these items might be appealing to buyers. Lucking did not think the city would want to keep the nonconformities. Hunt said his goal is to come to the city with no variances. He said that he knew whatever came before the planning commission tonight was not going to be the finished product and that he expected changes.

Hunt asked about the trees. Cooney said that new construction tree removal will be limited to 20% of diameter inches on the property, but that is not required at the platting process.

Hunt said that the garage may or may not stay. He said that he would like to keep it if they can, but it would be one of the first things to go. Steingas asked about the easement to the garage and said that it would be good to remove that hardcover to the garage on the neighboring property. Conrad asked if the easement would still be valid after the subdivision. Cooney said that he did not know and it is a legal question.

Steingas suggested that there be a work group prior to returning to the planning commission next month with one city council member and one planning commissioner. Lucking agreed. Conrad said that it should be a city council member other than herself.

Cooney said that current city law requires a decision on the plat within 60 days, but state law permits 120 days of review. He said sending it back to the planning commission would require the applicant to send a letter in writing granting an extension. He said that he would consult with the city attorney on this.

Hunt asked about the park dedication and asked about how that has been done in the past and what was the intent of the 8%. Conrad said that some cities do a flat rate, while other cities do 10%. Hunt asked what the total budget for the park system is. Conrad said that she did not know. She said that the city does not have enough parks relative to its population. Lucking said that Hunt's question cannot be answered by the planning commission. Conrad asked if Hunt hadn't run into the park dedication requirement before. Hunt said that he had, but that for a two lot subdivision this is the largest amount he has seen in real dollars, regardless of the percentage.

Cooney said that the amount is taken from the existing gross lot value, not the piece to be subdivided. Hunt said that it seems like a penalty for the owner to also pay park dedication on their lot and the existing lot. Lucking said that the valuation is cheaper as one large lot than if both lots were appraised separately. Lucking said that is for the land value only. Hunt asked if that assessed value is accurate. Lucking said that is a different issue that the city is also dealing with.

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Reeder said that he did not like having a private meeting. Cooney said that it would be an open meeting.

Reeder said that there was a bluff on the lakeside that was not addressed in the plans. Cooney thanked Reeder for catching that and said that he would send Hunt the zoning information related to bluffs.

Hunt said that the owners want to do this right. He said that it is plausible to have two parcels here, it is just a matter of how to get there.

Reeder said that he is bothered by the fact that they don't have enough road frontage so they are trying to build a private road but that they don't want to meet the requirements of the private road. He said that the bad idea is having the second lot, not the private road. He said that the city does not need to vary from private road requirements to enable a lot that does not make any sense. Reeder said that tearing down the existing house and making two more equal sized lots is better planning.

Hunt said that they can do what Reeder is asking, but that this gives the owners more options. He said that they have raised their families in Greenwood and may want to build on the smaller lot, or stay in the existing house. He said that they are trying to do what is reasonable for their needs, not Reeder's needs.

The planning commission did not take formal action on the request, but recommended that the applicant participate in a workshop with city staff and officials and return with revised plans at the June 21 planning commission meeting.

## **5. OTHER BUSINESS**

### **6. LIAISON REPORT**

Council Liaison Kristi Conrad said that the city is still working on the lot size ordinance.

She said that the drainage pond on Covington is undergoing design revisions. Conrad said the city engineer said the pond needs to get bigger, but the residents have said they don't understand why it needs to increase in size. She said that there is now a resident committee for this project.

Conrad said that the park dedication ordinance was fixed for consistency in the code. She said that there was discussion about lowering the park dedication fee, which she is not in favor of. Steingas said that subdivisions do not happen that often so that the fee needs to be stretched out over several years.

Conrad mentioned the Board of Appeal & Equalization meetings which were very contentious. She said that over 70 people came to the meeting. Conrad said that the residents will now go forward to Hennepin County and that having over 70 people going to the county may convince the county to adjust the numbers.

Reeder said that Greenwood should not even try to be involved in this and just pass it along to the county as most other cities do. Bechtell agreed.

### **7. ADJOURN**

Motion by Steingas to adjourn the meeting. Lucking seconded the motion. Motion carried 5-0. The meeting was adjourned at 9:06 p.m.

Respectively Submitted,  
Dale Cooney - Zoning Administrator