

**GREENWOOD PLANNING COMMISSION
WEDNESDAY, MAY 9, 2018
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 Jennifer Gallagher, Doug Reeder, and David Steingas

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

Absent: None

2. MINUTES – February 21, 2018

Commissioner Steingas moved to approve the minutes of December 20, 2017 as amended correcting the typo of the word “impervious” in the last paragraph on page 1. Commissioner Gallagher seconded the motion. Motion carried 4-0.

3. PUBLIC HEARINGS

3a. Public hearing to consider the conditional use permit request of David and Alyson Strothman for 4636 Linwood Circle to regrade the property in conjunction with the construction of a new house and to build an in-ground swimming pool.

Chairman Lucking introduced the agenda item.

Mike Sharratt, architect for the property owner, said that the applicants family has lived on the property for 30 years. He said that the old house was built too low and that the property collects drainage from the street. Sharratt said that the existing house has a crawlspace, and they are proposing a slab-on-grade foundation. He said the fill was to fill-in the crawlspace and elevate the house by a foot and a half. Sharratt said that they are moving the driveway from the wetland area to the other side of the property. He said that they were updating an overflow pipe from the wetland that would outlet towards the lake.

Cooney asked about the process to date with the Minnehaha Creek Watershed District. Sharratt said that they have applied for, but not yet received permitting from the MCWD. He said that they expected it by this meeting and that he had received positive verbal feedback on the application, but that they do not have approval yet.

Cooney asked if the detached garage would need to be removed if approval was not given by the MCWD. Sharratt said that the existing garage is mostly in the wetland, and that they are moving out of the wetland but that it would still be within the wetland buffer area.

Lucking opened the public hearing. Hearing no public comments, Lucking closed the public hearing.

Lucking said that the drainage comment from the city engineer was related to hardcover, and not related to the CUP requests. Lucking asked about the proposed conditions.

Cooney said that the pool was close to the north property line and no eye-level screening was in place along the south property line. He said that mitigating the noise and visual impacts of the pool was the reason for his conditions.

Gallagher asked about the screening conditions. Cooney said that he only recommended a height and opacity and that it could be landscaping for fencing. Lucking said that it was only to block the view of the pool area to the neighboring properties.

Gallagher asked how far the screening would need to go. Lucking said just near the pool.

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Gallagher asked if screening was part of the ordinance. Steingas said that vegetation can go to the lake, but that a fence cannot. Gallagher said that she was concerned about blocking the lake view.

Sharratt said that they do not have a landscape plan at this point. He said that he expected that the applicants might want some screening for themselves too, but that nobody wants to be enclosed in a tunnel of vegetation.

Steingas said that he thought the proposal was well done and was in favor of all of it. He said that he did not support the screening condition since, in this area, he expected the neighbors to work together and do what is right. He said it was not in the rules, so he did not see it as the city's role to require screening.

Gallagher asked about the stormwater. Sharratt said that the north lot drains onto this lot, and that this lot drains into the wetland. He said that there would not be any runoff.

Steingas said that not having a lower level made the detached garage more essential.

Motion by Steingas to approve the request as proposed but without any of the conditions proposed by staff. Motion was seconded by Gallagher. Motion carried 4-0.

3b. Public hearing to consider Ordinance 277 regarding the implementation of Conditional Use Permits

Lucking introduced the agenda item.

Lucking opened the public hearing. Hearing no public comments, Lucking closed the public hearing.

Motion by Steingas to recommend adoption of the ordinance as written. Motion was seconded by Gallagher. Motion carried 4-0.

3c. Public hearing to consider Ordinance amending zoning code Chapter 11 to simplify residential zoning regulations

Lucking introduced the agenda item. He said that he was not sure how we got to this point. He said that he thought the idea was to help with the little lots, and now it would change everything. Lucking said that he thinks the existing system works.

Lucking opened the public hearing.

Jan Grey, of 5170 Meadville Street, referenced the letter from Joe Fronius and said that she shares his way of thinking. She said that a health problem has kept him from this meeting. She said that she is not averse to change. She noted the changes in Excelsior to preserve its character and that Greenwood should want to preserve the special character of Greenwood. Grey said that she does not want to expand hardcover restrictions. She said that she is not opposed to building on small lots. She asked where the scale of things come into consideration. Grey said that the comprehensive plan's housing goals are to have safe, healthy housing that respects the natural environment. She said that she does not want to compromise on the hardcover issue outside of the variance standard. She noted that the comprehensive plan states that there would be a variety of housing sizes and ages to serve a varied population. Grey said that large houses will overwhelm the environment as well as the varied population. She said that the land use policies in the comprehensive plan state the preservation of the neighborhood character. She said that her major concerns are setbacks and maintaining the attractive character of Greenwood. She expressed concerns of bigger houses and reduced greenspace.

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Lucking said that the City of Greenwood has a massing ordinance. Grey asked if it applies to small lots. Steingas said it applies to all lots and the smaller the lot, the smaller the permitted volume.

Steingas said that the goals are to simplify the rules and regulations and not to allow more exposure. He said that, if anything, the city has become more restrictive. He said that the ordinance would help more properties comply and create fewer variances and nonconforming situations. He said that everyone has to comply with the same rules.

Conrad said that the city has given small lots more latitude and less restrictions. She said that is a big impact. Steingas said that the building volume still applies, and the side yard setbacks still apply. Conrad said the sliding scale for setbacks allows for more on a smaller lot and that an 8 foot minimum on a small lot is a huge change.

Conrad said that she respects the work that went into it but that, in the end, are we creating a major change to the ordinance in order to make a few small lots compliant.

Lucking said that the premise was to eliminate uncertainty for the property. He said that, while it might have helped some lots without houses, it also allows many small lots to build bigger.

Steingas said that, on a small lot, a house with an existing very narrow side yard setback would likely build a new house in approximately the same footprint. He said that with the new ordinance, a new house would likely re-center the home to fit more within the lots constraints. He said that existing code only allows a 20 foot house on a 50 foot lot, so that the owner would have to get a variance to build new but that the proposed sliding scale eliminates that issue. Steingas said that, instead of giving variances for new homes on lot after lot, the city is taking the larger view on the matter. He said that he was in favor of this since, as a builder, he comes in via the city process and knows how it complicates things.

Lucking said that he agrees, but that if an applicant wants to build in the same footprint, state law requires that the city has to allow it.

Cooney said that he appreciates the sliding scale for a typical 50 foot lot, but he said that, as written the code only requires a 10 foot setback for a 100 foot wide lot. Cooney said that is a very wide lot and did not see why that lot couldn't adhere to the standard 15 foot setback that is law today. He said even an 80 foot wide lot would have a 50 foot width in which to build a home under the law today, but 64 feet under the updated law.

Gallagher said that she cares that concern.

Steingas suggested that conforming lots should meet the required 15 foot setbacks currently in place, but properties less than the minimum lot width of 75 feet, the setbacks should be 20% of the lot width, which would be 8 feet for a 40 lot, 10 feet for a 50 foot lot, etc.

Steingas asked about wall height limits that increase with the setback. Lucking said that he thought that was part of the ordinance. Steingas said that he felt it should be 1.5 times the setback, not 2 times as written. Steingas said that this rule keeps the massing in the middle.

Lucking asked if it was legal for the city to have one set of rules for nonconforming lots and another for conforming lots. He said that property owners have two options: the sliding scale or the nonconformity.

Steingas said that if you are in a nonconforming situation you have the advantage of the sliding scale with 20% of the lot width for each side yard setback. If you are on a conforming property of 75 feet wide, you do not get more and you have to comply with the 15 foot setbacks.

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Conrad said that impervious will be on a sliding scale and that smaller lots will get more hardcover. Cooney said that allowance was only for lots under 10,000 square feet and that the worst case scenario is about 34.5%.

Steingas said that he would like to have the ordinance come back to the planning commission for more public input.

Conrad asked about the existing R-1B properties and if those are different enough to remain a separate zoning district. She said that new houses in this district could be very different than the current houses. Reeder and Steingas said that it makes sense to keep those areas as a separate zoning district.

Conrad asked about pie shaped lots and building a shipped shaped house. Steingas said that the lot width should be measured at the building setback and that the setbacks should not change as the lot narrows.

Conrad mentioned the removal of a 2 car garage minimum. The planning commission voiced a consensus approval of this change.

Cooney asked way the R-1B setback was greater than the lake yard setback, which seemed strange. Steingas said that he would like to stay away from changing this district.

Gallagher asked about the impervious area sliding scale. She said that she still has some concerns that the formula is right. Conrad said that in most cases, it would be a reduction for what the properties currently have.

Gallagher said that she still has concerns with less green space and the loss of character in the community. Steingas said that these are buildable lots and that they currently have more hardcover.

Motion to amend the draft ordinance with the following changes:

- Modify the side yard setback scale: For lots less than 75 feet wide: 20% of the lot width for each side yard; 15 foot side yard setbacks for all other lots.
- Not having alternate setback requirements for pie shaped lots.
- Not have a wall height that exceeds 1.5 times the setback distance within 15 feet of the side property line. (Reduced from 2 times.)
- Recommended a second zoning district to maintain R-1B as it currently exists.

It was further moved that the ordinance return to the planning commission or another round of public input. Motion was seconded by Lucking. Motion carried 4-0.

4. NEW BUSINESS

4a. Discuss possible revisions to Section 1140.19 regarding grading limitations

Lucking introduced the agenda item. He said that the grading ordinance is very restrictive and that a number of properties that have perfectly normal grading have been required to come in for a conditional use permit.

Steingas said that the city should investigate Wayzata's grading ordinance which he has worked with in the past.

Cooney confirmed that the purpose of the ordinance was only to keep from cheating house height and to avoid creating new drainage problems. Lucking confirmed that was the purpose of the ordinance.

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Cooney said that, if the goal is to restrict cheating the house height, there needs to be a grade height change limitation, since volume and square footage is relative to the project and the property size. Cooney said that the 2 foot limitation was removed at the time of the ordinance change.

Steingas mentioned that Tonka Bay has a good grading ordinance as well.

Cooney said that he would provide the planning commission with some peer city grading ordinances to help inform the conversation.

5. LIAISON REPORT

Conrad presented the liaison report. She said that the city held the board of appeal and equalization meeting. She said that clean-up day was still scheduled for the 19th.

Conrad said that the city is in the process of going with a new recycling company that was substantially cheaper than the existing contract.

She said that the comprehensive plan is being sent to surrounding cities.

Conrad mentioned the showcase event permit requirements. Steingas said that the builder should be required to provide the mailing and bring it to city hall. Cooney said that he was in favor of that idea.

Conrad said that there would be another canoe rack, which would be \$50 per space, per season.

Conrad said that on Meadville Street there was drainage from the wetland into the lake and that this was legal. She said it was supposed to go under the road. Gallagher said that there was flooding of the first couple of rows the theater. Gallagher said that the ice prevented the normal drainage under the road.

Reeder said that this would be his last meeting and that he was moving to Chanhassen. He said that he was unable to find a new house in Greenwood.

6. ADJOURN

Motion by Reeder to adjourn the meeting. Steingas seconded the motion. Motion carried 4-0. The meeting was adjourned at 8:52 p.m.

Respectively Submitted,
Dale Cooney - Zoning Administrator