

AGENDA

Greenwood City Council Meeting

Wednesday, August 1, 2018
20225 Cottagewood Road, Deephaven, MN 55331

Hearing devices are available from the recording technician.



Worksession

In accordance with open meeting laws, the worksession is open to the public for viewing, but there will be no opportunity for public participation.

- 6:00pm 1. CALL TO ORDER | ROLL CALL | APPROVE AGENDA
- 6:00pm 2. DISCUSS 2019 BUDGET & FEES
- 6:55pm 3. ADJOURNMENT

Regular Meeting *The public is invited to speak when items come up on the agenda (comments are limited to 3 minutes). The public may speak regarding other items during Matters from the Floor (see below).*

- 7:00pm 1. CALL TO ORDER | ROLL CALL | APPROVE MEETING AGENDA
- 7:00pm 2. CONSENT AGENDA
Consent Agenda items are considered to be routine and are approved through one motion with no discussion by the city council. Council members may remove any Consent Agenda item for discussion and separate consideration under Other Business.
 - A. Approve: 07-01-18 City Council Meeting Minutes
 - B. Approve: June Cash Summary Report
 - C. Approve: June Certificates of Deposit Report
 - D. Approve: July Verifieds, Check Register, Electronic Fund Transfers
 - E. Approve: August Payroll Register
 - F. Approve: Authorization to Send Budget Comment Opportunity Information to County
 - G. Approve: Insurance Liability Waiver Form
- 7:02pm 3. MATTERS FROM THE FLOOR
This is an opportunity for the public to address the council regarding matters not on the agenda. Comments are limited to 3 minutes. Typically, the council will not take action on items presented at this time, but will refer items to staff for review, action, and / or recommendation for future council action.
- 7:05pm 4. PRESENTATIONS, REPORTS, GUESTS, AND ANNOUNCEMENTS
 - A. Presentation: Chief Meehan, SLMPD Update and 2019 Budget
 - Consider: 2019 SLMPD Budget
 - B. Announcement: 2019 Budget & Fees Worksession, 6pm, 09-05-18
 - C. Announcement: Tour de Tonka, 08-04-18, some routes travel through Greenwood – expect delays.
- 7:15pm 5. PUBLIC HEARINGS
 - A. None
- 7:15pm 6. ACTION RELATED TO PUBLIC HEARINGS
 - A. None
- 7:15pm 7. PLANNING, ZONING & SUBDIVISION ITEMS
 - A. Consider: Res __-18 Variance Findings, Julie & Gregg Getchell, 5185 Greenwood Circle
 - B. Consider: Res __-18 Variance Findings, David & Kimberly Barry, 21550 Excelsior Blvd
 - C. 1st Reading: Ord 279, Updating Chapter 11 Residential Zoning Regulations
Res 19-18, Summary of Ord 279 for Publication
 - D. Update: Regarding Planning Commission Grading Ordinance Discussion
- 8:00pm 8. UNFINISHED BUSINESS
 - A. None
- 8:00pm 9. NEW BUSINESS
 - A. None
- 8:00pm 10. OTHER BUSINESS
 - A. None
- 8:00pm 11. COUNCIL REPORTS
 - A. Conrad: Planning Commission
 - B. Cook: Lake Minnetonka Conservation District, St. Alban's Lake Improvement District, Public Works Committee
 - C. Fletcher: Lake Minnetonka Communications Commission, Fire, Administrative Committee
 - D. Kind: Police, Administrative Committee, Mayors' Meetings, Website
 - E. Quam: Minnetonka Community Education, Public Works Committee
- 8:20pm 12. ADJOURNMENT



Worksession

Agenda Date: 08-01-18

Prepared by Deb Kind

Agenda Item: 2019 Budget & Fees

Summary: Attached is a draft of the 2019 city budget with recommendations from the administrative committee (Mayor Kind and Councilman Fletcher). The council will have the opportunity to discuss the draft at the 08-01-18 worksession prior to the regular council meeting. See below for the budget timeline. For the council's reference, the following items are attached: Municipal Dock Fee Comparison, CITY Levy Per Person, Tax Rate History, and Tax Capacity Formula & Tax Rate Comparison documents.

Since the budget is related to fees, the city council also will discuss changes to the city's fee schedule at the August and September worksessions. Attached is a copy of the current fee schedule and a draft ordinance with changes recommended by the administrative committee. Any fee changes must be done via an ordinance and must go into effect on January 1 of the following year.

Timeline for Budget:

- 08-01-18 City council reviews draft of preliminary budget at the worksession (may make revisions).
- 09-05-18 City council reviews revised draft of preliminary budget at the worksession (may make revisions).
- 09-05-18 City council must approve the "preliminary" budget and tax levy amount for submission to the county. Once the preliminary tax levy amount has been reported to the county, the amount may be reduced, but it may not increase.
- 09-30-18 Deadline to submit "preliminary" budget and tax levy amount to the county.
- 12-05-18 City council approves "final" budget and tax levy amount for submission to the county. The tax levy amount may be reduced from the preliminary amount, but it may not increase.

Timeline for Fee Ordinance:

- 10-03-18 City council considers 1st reading of the ordinance (may make revisions / may waive 2nd reading).
- 10-04-18 If the 2nd reading is waived, the ordinance is submitted to the Sun-Sailor for publication.
- 10-11-18 If the 2nd reading is waived, the ordinance is published in the Sun-Sailor on this date.
- 11-07-18 City council considers 2nd reading of the ordinance (may make revisions).
- 11-08-18 The ordinance is submitted to the Sun-Sailor for publication.
- 01-01-19 The ordinance is goes into effect on this date.

Council Action: No council action may be taken during a worksession.

Greenwood code section 1215 requires 2 readings of all ordinances prior to adoption. The 2nd reading shall be within 3 months of the 1st reading. There may be changes between the 1st and 2nd readings. The 2nd reading may be waived by a unanimous vote of city council members present at the meeting. Ordinances go into effect once they are published in the city's official newspaper. The planning commission must review and make a recommendation to the city council regarding any changes to the zoning code chapter 11. A public hearing, typically held by the planning commission, also is required for changes to chapter 11.

2019 Greenwood PRELIMINARY Budget

		2016 Actual	2017 Actual	2017 Budget	2018 June YTD	2018 Budget	2019 Budget	% Change	% Total Budget
GENERAL FUND REVENUE									
1	TAXES								
2	101-31010 General Property Tax	627,636	632,875	638,999	10,431	637,879	637,825	-0.01%	
3	101-31020 General Property Tax - Delinquent	7,235	9,853	0	0	0	0	#DIV/0!	
4	101-31040 Fiscal Disparities	3,262	3,430	3,500	0	3,200	3,200	0.00%	
5	101-31800 Surcharge Revenue	70	34	0	98	0	0	#DIV/0!	
6	101-31910 Penalties	39	481	0	14	0	0	#DIV/0!	
7		638,241	646,674	642,499	10,542	641,079	641,025	-0.01%	82.45%
8	LICENSES & PERMITS								
9	101-32110 Liquor & Cigarette Licenses	10,550	10,700	10,050	0	10,550	10,700	1.42%	
10	101-32180 Other Business Licenses / Permits (Rental, Commercial Marina, Garbage Hauler, Tree Contractor, Etc)	4,375	4,394	4,500	825	4,500	4,500	0.00%	
11	101-32210 Building Permits	45,241	29,876	46,000	27,413	30,000	30,000	0.00%	
12	101-32211 Electric Permits	2,907	4,016	4,000	793	4,000	4,000	0.00%	
13	101-32240 Animal Licenses	410	500	500	15	500	500	0.00%	
14		63,483	49,486	65,050	29,046	49,550	49,700	0.30%	6.39%
15	INTERGOVERNMENT REVENUE								
16	101-33402 Homestead Credit (Market Value Credit)	0	0	0	0	0	0	#DIV/0!	
17	101-33423 Other Grants / Aids (Recycle Grant, Small Cities Assistance, Etc.)	4,215	4,848	3,000	0	0	0	#DIV/0!	
18	101-33610 County Aid to Municipalities (CAM Road Aid)	1,750	1,769	1,500	0	1,700	1,700	0.00%	
19		5,965	6,617	4,500	0	1,700	1,700	0.00%	0.22%
20	PUBLIC CHARGES FOR SERVICES								
21	101-34103 Zoning & Subdivisions (Variances, Conditional Use Permits, Etc.)	6,300	4,900	6,000	3,750	6,000	6,000	0.00%	
22	101-34207 False Alarm Fee	0	0	0	0	0	0	#DIV/0!	
23	101-34304 Load Limit Fees	4,959	3,867	6,000	3,297	5,000	5,000	0.00%	
24	101-34409 Recycling Fees (2019: Raise quarterly recycling fee from \$16 to \$20 to cover cost of service)	17,286	16,857	17,825	9,069	20,332	25,415	25.00%	
25		28,545	25,624	29,825	16,117	31,332	36,415	16.22%	4.68%
26	FINES, FORFEITURES & PENALTIES								
27	101-35101 Court Fines	8,569	7,327	6,000	3,457	6,000	7,000	16.67%	0.90%
28									
29	INVESTMENT & MISCELLANEOUS INCOME								
30	101-36102 Investment Income	5,076	6,873	6,000	3,944	7,000	12,000	71.43%	
31	101-36230 Misc. Income: Parking Permits, Civil Citations, Etc. (2017 includes Southshore Center Payout)	397	34,856	500	750	500	500	0.00%	
32		5,472	41,728	6,500	4,694	7,500	12,500	66.67%	1.61%
33	OTHER FINANCING SOURCES								
34	101-39200 Interfund Operating Transfer: From Marina Fund	12,500	12,500	12,500	0	12,500	12,500	0.00%	
35	101-39201 Administration Expense Reimbursement: 10% of Marina Revenue	3,600	3,730	3,730	0	3,860	3,960	2.59%	
36	101-39202 Administrative Expense Reimbursement: 10% of Sewer Revenue	10,090	10,090	10,090	0	10,090	10,090	0.00%	
37	101-39203 Administrative Expense Reimbursement: 10% of Stormwater Revenue	2,573	2,573	2,573	0	2,573	2,573	0.00%	
38		28,763	28,893	28,893	0	29,023	29,123	0.34%	3.75%
39									
40	Total Revenue	779,038	806,350	783,268	63,856	766,184	777,463	1.47%	

2019 Greenwood PRELIMINARY Budget

		2016 Actual	2017 Actual	2017 Budget	2018 June YTD	2018 Budget	2019 Budget	% Change	% Total Budget
GENERAL FUND EXPENSES									
41	COUNCIL & PLANNING COMMISSION								
42	101-41100-103	Council Salaries	13,200	19,800	19,800	9,989	19,978	20,477	2.50%
43	101-41100-122	FICA Contributions (6.2%)	818	1,228	1,228	619	1,239	1,270	2.50%
44	101-41100-123	Medicare Contributions (1.45%)	191	287	287	145	290	297	2.50%
45	101-41100-371	Training / Conference Registration	0	0	1,000	0	1,000	1,000	0.00%
46	101-41100-372	Meals / Lodging	165	252	175	145	175	175	0.00%
47	101-41100-433	Misc. (Dues, Subscriptions, Supplies, Etc.)	129	30	100	0	100	100	0.00%
48			14,503	21,597	22,590	10,898	22,781	23,319	2.36%
49	ELECTIONS								
50	101-41200-103	Election Salaries (Part-Time Election Judge Salaries \$9 per hour)	1,670	0	0	0	1,670	0	-100.00%
51	101-41200-214	Operational Support - Forms (Ballots, Voter Reg. Rosters)	265	0	0	0	265	0	-100.00%
52	101-41200-319	Equipment Maintenance (County Agreement, \$187.50 x 2 Voting Machines, \$160 for Automark)	1,069	0	0	534	1,069	0	-100.00%
53	101-41200-372	Meals / Lodging (Election Judge Meals & Snacks)	300	0	0	0	300	0	-100.00%
54	101-41200-439	Misc. (Supplies, Postage, Public Notices, Etc.)	332	0	0	50	332	0	-100.00%
55			3,635	0	0	584	3,635	0	-100.00%
56	ADMINISTRATION								
57	101-41400-201	Office Supplies	109	0	150	0	150	150	0.00%
58	101-41400-202	Duplicating (Council Packets, Etc.)	2,186	1,355	1,800	844	1,800	1,800	0.00%
59	101-41400-204	Stationary, Forms, Printing	1,661	251	1,000	623	1,000	1,000	0.00%
60	101-41400-309	Professional Services - Other (ISP, Website, Email)	800	425	600	194	600	600	0.00%
61	101-41400-310	Clerk's Contract with Deephaven	37,492	39,200	40,464	19,301	41,678	42,720	2.50%
62	101-41400-311	Office Rent & Equipment (2017-2020 \$487.45 per month)	5,849	5,362	5,849	2,925	5,849	5,849	0.00%
63	101-41400-313	Professional Services (Civic Accounting)	2,120	2,168	2,163	1,106	2,163	2,175	0.55%
64	101-41400-322	Postage	1,180	837	800	513	800	1,000	25.00%
65	101-41400-351	Newspaper Legal Notices	1,438	922	900	453	900	1,000	11.11%
67	101-41400-439	Misc. (Equipment, Dog Tags, Meadville Launch Stickers \$425, Etc.)	756	809	725	690	725	800	10.34%
68			53,591	51,328	54,451	26,648	55,665	57,094	2.57%
69	ASSESSOR								
70	101-41500-309	Assessor - Hennepin County (\$19,000 for 2018-2020)	23,740	8,667	13,000	9,500	19,000	19,000	0.00%
71	101-41500-439	Assessor - Other (Public Notices, Processing, Tax Rolls)	903	382	600	106	600	600	0.00%
72			24,644	9,049	13,600	9,606	19,600	19,600	0.00%
73	LEGAL SERVICES								
74	101-41600-304	Legal Services - General	11,814	5,482	10,000	4,609	10,000	10,000	0.00%
75	101-41600-308	Legal Services - Prosecution	2,427	5,964	4,000	2,400	4,000	4,800	20.00%
76	101-41600-309	Legal Services - Litigation	7,877	422	2,000	422	2,000	2,000	0.00%
77			22,118	11,868	16,000	7,431	16,000	16,800	5.00%

2019 Greenwood PRELIMINARY Budget

		2016 Actual	2017 Actual	2017 Budget	2018 June YTD	2018 Budget	2019 Budget	% Change	% Total Budget
78	AUDITING								
79	101-41700-301 Auditing (\$1000 for state auditor filing requirements)	9,600	9,700	9,700	1,000	2,000	1,500	-25.00%	
80		9,600	9,700	9,700	1,000	2,000	1,500	-25.00%	0.19%
81	GENERAL GOVERNMENT TOTAL	128,091	103,542	116,341	56,168	119,682	118,313	-1.14%	15.22%
82									
83	LAW ENFORCEMENT								
84	101-42100-310 Law Enforcement - Contract	192,895	182,352	182,361	95,600	191,201	196,011	2.52%	
85	101-42100-311 Police Side Building Facility (Based on Total Tax Capacity on County Website in July)	43,920	43,658	43,658	23,015	46,030	46,016	-0.03%	
86	101-42100-439 Police Safety - Other (Jail, Court Overtime, Etc.)	1,139	1,307	2,500	531	2,500	1,500	-40.00%	
87		237,954	227,317	228,519	119,147	239,731	243,527	1.58%	31.32%
88	FIRE								
89	101-42200-309 Fire Protection - Operations	73,859	74,689	74,689	39,965	79,930	85,268	6.68%	
90	101-42200-311 Fire Side Building Facility	57,983	55,087	55,087	30,703	61,405	61,166	-0.39%	
91		131,842	129,776	129,776	70,668	141,335	146,434	3.61%	18.83%
92	PUBLIC SAFETY TOTAL	369,795	357,093	358,295	189,815	381,066	389,961	2.33%	50.16%
93									
94	ZONING								
95	101-42400-308 Zoning Administration	6,524	4,330	7,000	2,353	7,000	7,000	0.00%	
96	101-42400-309 Public Notices	2,902	530	2,000	314	2,000	2,000	0.00%	
97	101-42400-310 Building Inspections (69% of Building & Electrical Permits)	32,012	18,369	34,500	18,119	23,460	23,460	0.00%	
98	101-42400-438 Misc. (County Recording Fees, State Bldg. Surcharge, etc.)	0	0	0	0	0	0	#DIV/0!	
99	ZONING TOTAL	41,438	23,229	43,500	20,786	32,460	32,460	0.00%	4.18%
100									
101	ENGINEERING								
102	101-42600-303 Engineering Fees - Misc.	1,333	2,223	3,000	7,105	2,000	3,000	50.00%	
103		1,333	2,223	3,000	7,105	2,000	3,000	50.00%	0.39%
104	UTILITIES & ROADS								
105	101-43100-381 S&R - Utility Services - Elec (Includes Siren Electric)	5,150	4,532	5,000	2,536	5,000	5,000	0.00%	
106	101-43100-409 Other - Road Repair & Maintenance (Public Works Repairs)	2,209	952	5,000	982	4,000	3,000	-25.00%	
107		7,359	5,484	10,000	3,518	9,000	8,000	-11.11%	1.03%
108	MAJOR ROAD IMPROVEMENTS								
109	101-43200-229 Major Road Improvements - Construction	0	0	0	0	0	0	#DIV/0!	
109	101-43200-303 Major Road Improvements - Engineering	0	0	0	0	0	0	#DIV/0!	
110	101-43200-500 Transfer to Road Improvement Fund	134,000	134,000	134,000	124,000	124,000	124,000	0.00%	
111	Note: Deephaven's 2017 road costs were 9% of their budget	134,000	134,000	134,000	124,000	124,000	124,000	0.00%	15.95%

2019 Greenwood PRELIMINARY Budget

		2016 Actual	2017 Actual	2017 Budget	2018 June YTD	2018 Budget	2019 Budget	% Change	% Total Budget
112	PUBLIC WORKS								
113	101-43900-226 Signs	5,069	594	1,500	0	1,500	1,000	-33.33%	
114	101-43900-312 Snow Plowing	9,674	6,673	20,000	20,199	15,000	18,000	20.00%	
115	101-43900-313 Trees, Weeds, Mowing	15,748	19,135	13,000	1,882	16,000	20,000	25.00%	
116	101-43900-314 Park & Tennis Court Maintenance	7,186	3,387	2,000	295	3,500	4,000	14.29%	
117	101-43900-315 Trail Snow Plowing (LRT and Tar Paths)	1,219	71	2,100	1,172	2,000	1,500	-25.00%	
118		38,896	29,860	38,600	23,547	38,000	44,500	17.11%	5.72%
119	ROADS & PUBLIC WORKS TOTAL	181,588	171,567	185,600	158,169	173,000	179,500	3.76%	23.09%
120									
121	MISC. EXPENSES								
122	101-49000-310 Recycling Contract (2019 19.8% increase, 2020 2.8% increase, 2021 2.94% increase)	19,539	17,911	20,650	9,770	20,650	24,739	19.80%	
123	101-49000-311 Spring Clean-Up Day	4,429	4,671	4,500	0	4,500	4,500	0.00%	
124	101-49000-369 League of Minnesota Cities Insurance Trust / Liability & Property	2,069	3,984	3,300	0	3,300	4,000	21.21%	
125	101-49000-370 League of Minnesota Cities Insurance Trust / Workers Comp	193	200	160	319	160	325	103.13%	
126	101-49000-433 Misc. Expenses	0	0	100	0	100	100	0.00%	
127	101-49000-434 Southshore Community Center	0	0	0	0	0	0	#DIV/0!	
128	101-49000-435 League of Minnesota Cities	872	873	824	0	850	875	2.94%	
129	101-49000-436 Lake Minnetonka Conservation District	6,009	6,298	6,298	3,408	6,816	7,090	4.02%	
129	101-49000-437 July 4th Fireworks & Parade (\$1500 Chamber of Commerce, \$100 parade)	1,583	1,636	1,700	1,500	1,600	1,600	0.00%	
130	MISC. TOTAL	34,694	35,573	37,532	14,997	37,976	43,229	13.83%	5.56%
131									
132	Subtotal	755,607	691,004	741,268	439,934	744,184	763,463	2.59%	
133									
134	CONTINGENCY & FUND TRANSFERS								
135	101-49000-439 Contingency	11,025	0	22,000	0	12,000	4,000	-66.67%	
135	101-49000-500 Transfer to Bridge Fund	20,000	20,000	20,000	0	10,000	10,000	0.00%	
136	101-49000-720 General Fund Transfer Out	0	0	0	0	0	0	#DIV/0!	
137	CONTINGENCY & FUND TRANSFER TOTAL	31,025	20,000	42,000	0	22,000	14,000	-36.36%	1.80%
138									
139	Total Expenses	786,632	711,004	783,268	439,934	766,184	777,463	1.47%	
140									
141	GENERAL FUND CASH BALANCE (Goal: 35%-50% of Operating Expenditures)	544,365	599,432						
	<i>Percent of Operating Expenditures</i>	78.40%	84.31%						

2019 Greenwood PRELIMINARY Budget

		2016 Actual	2017 Actual	2017 Budget	2018 June YTD	2018 Budget	2019 Budget	% Change	% Total Budget	
142	SEWER ENTERPRISE FUND <i>This fund may be used for any city purpose. Goal: \$400,000.</i>									
143	602-34401	REVENUE: Sewer Use Charges (\$65 per quarter)	96,163	97,056	100,899	48,697	100,899	100,899	0.00%	
144	602-34402	REVENUE: Late Charges & Penalties	330	390	0	99	0	0	#DIV/0!	
145	602-34403	REVENUE: Delinquent Sewer Payments Received	855	205	0	0	0	0	#DIV/0!	
146	602-34404	REVENUE: Delinquent Sewer Late Fees Received	0	0	0	0	0	0	#DIV/0!	
147	602-34408	REVENUE: Permit Fees	375	300	0	400	0	0	#DIV/0!	
148	602-36220	REVENUE: Other Income (SAC charges)	2,485	6,787	0	0	0	2,500		
149	602-38100	REVENUE: Grant Revenue	25,097	0	0	0	0	0	#DIV/0!	
150	602-37100	REVENUE: Excelsior Blvd. Watermain Project (Contributions for Study, Assessment Pre-Payments)	0	0	0	0	0	0	#DIV/0!	
151	602-36100	REVENUE: Special Assessments (Excelsior Blvd Watermain Assessment Payments)	11,865	12,469	0	0	0	12,000	#DIV/0!	
152	602-43200-303	EXPENSE: Engineering Sewer	19,406	4,683	10,000	164	10,000	10,000	0.00%	
153	602-43200-309	EXPENSE: Met Council	51,011	48,543	45,000	13,536	45,000	52,000	15.56%	
154	602-43200-310	EXPENSE: Public Works Sewer	9,969	6,759	6,000	3,075	6,000	7,000	16.67%	
155	602-43200-381	EXPENSE: Utility Services - Electric	1,907	2,489	2,500	1,649	2,500	3,000	20.00%	
156	602-43200-404	EXPENSE: Repair & Maintenance	10,542	16,565	12,000	6,760	12,000	14,000	16.67%	
157	602-43200-410	EXPENSE: Excelsior Blvd. Watermain Project (Hennepin County Special Assessment Annual Fee)	390	388	0	0	0	400	#DIV/0!	
158	602-43200-439	EXPENSE: Misc. (Gopher State One Call, Forms, Printing, Insurance, etc.)	750	594	900	196	900	900	0.00%	
159	602-43200-530	EXPENSE: Capital Outlay (I&I Projects)	57,600	0	14,000	0	14,000	14,000	0.00%	
160	602-43200-720	INTERFUND TRANSFER OUT: To General Fund (10% of budgeted sewer revenue for adm. costs)	30,090	23,190	10,090	0	10,090	10,090	0.00%	
161		Net Total	-44,495	13,996	409	23,815	409	4,009	879.98%	
162		SEWER ENTERPRISE FUND CASH BALANCE	303,767	317,750						
162	STORMWATER SPECIAL REVENUE FUND <i>This fund may be used for any city purpose.</i>									
163	502-34401	REVENUE: Stormwater Use Charges (2018 & 2019: \$19 per quarter)	24,542	25,434	25,729	12,767	25,729	25,729	0.00%	
164	502-34403	REVENUE: Delinquent Stormwater Payments Received	0	0	0	0	0	0	#DIV/0!	
164	502-34404	REVENUE: Delinquent Stormwater Late Fees Received	0	0	0	0	0	0	#DIV/0!	
165	502-34405	INTERFUND TRANSFER IN	20,000	13,100	0	0	0	0	#DIV/0!	
166	502-43200-303	EXPENSE: Engineering Stormwater	9,458	1,724	6,700	6,169	3,500	3,500	0.00%	
167	502-43200-310	EXPENSE: Public Works Stormwater	3,120	476	0	196	0	0	#DIV/0!	
168	502-43200-319	EXPENSE: Equipment and Maintenance	0	0	0	0	0	0	#DIV/0!	
169	502-43200-409	EXPENSE: Street Sweeping	2,371	2,362	2,700	2,453	2,700	2,700	0.00%	
170	502-43200-439	EXPENSE: Misc. (EPA Fee, Etc.)	211	172	250	606	250	250	0.00%	
171	502-43200-530	EXPENSE: Capital Outlay	0	33,732	0	3,536	0	0	#DIV/0!	
173	502-43200-720	ADMINISTRATIVE EXPENSE: To General Fund (10% of budgeted stormwater rev. for adm. costs)	2,573	2,573	2,573	0	2,573	2,573	0.00%	
174		Net Total	26,809	-2,505	13,506	-193	16,706	16,706	0.00%	
175		STORMWATER SPECIAL REVENUE FUND CASH BALANCE	27,975	18,989						

2019 Greenwood PRELIMINARY Budget

		2016 Actual	2017 Actual	2017 Budget	2018 June YTD	2018 Budget	2019 Budget	% Change	% Total Budget
180	PARK SPECIAL REVENUE FUND <i>This is a dedicated fund for park "acquisitions" only. Cannot be used for maintenance.</i>								
181	401-36230	REVENUE: Park Dedication Fees	0	0	0	0	0	#DIV/0!	
182	401-45000-000	EXPENSE: Park Improvements	5,000	10,299	0	0	0	#DIV/0!	
183		Net Total	-5,000	-10,299	0	0	0	#DIV/0!	
184		PARK FUND CASH BALANCE	27,055	16,756					
185	MARINA ENTERPRISE FUND <i>This fund may be used for any city purpose. Goal: \$55,000 Tonka Dock; \$65,000 Permanent Dock; \$120,000 Floating Dock.</i>								
186	605-36201	REVENUE: Slip Fees (2019: \$1500 x 26 boats, \$300 x 1 sailboats, \$50 x 6 canoes)	35,400	36,800	37,300	38,000	38,600	39,600	2.59%
187	605-45100-309	EXPENSE: Professional Services (Dock In and Out, Weed Removal)	6,590	6,800	3,500	1,600	7,000	7,000	0.00%
188	605-45100-310	EXPENSE: Public Works	878	0	500	0	500	500	0.00%
189	605-45100-439	EXPENSE: Misc. (LMCD Multi-Dock License \$350, SABLID / AIS \$2500 in 2017, Insurance \$873)	5,677	2,843	3,723	2,500	3,723	3,723	0.00%
190	605-45100-590	EXPENSE: Capital Outlay	0	0	0	0	0	0	#DIV/0!
191	605-49300-720	OPERATING TRANSFER: To General Fund	12,500	12,500	12,500	0	12,500	12,500	0.00%
192	605-49300-721	ADMINISTRATIVE EXPENSE: To General Fund (10% of budgeted marina revenue for adm. costs)	3,600	3,730	3,730	0	3,860	3,960	2.59%
193		Net Total	6,155	10,928	13,347	33,900	11,017	11,917	8.17%
194		MARINA ENTERPRISE FUND CASH BALANCE	57,475	68,403					
195	BRIDGE CAPITAL PROJECT FUND <i>This fund was created in 2010. The funds may be used for any city purpose. Goal: \$200,000</i>								
196	403-39200	REVENUE: Transfer from General Fund	20,000	20,000	20,000	0	10,000	10,000	0.00%
197	403-45100-303	EXPENSE: Engineering	75	13,722	4,000	2,072	4,000	4,000	0.00%
198	403-45100-304	EXPENSE: Legal Services	0	0	2,000	0	0	0	#DIV/0!
199	403-45100-530	EXPENSE: Capital Outlay	0	0	0	0	0	0	#DIV/0!
200		Net Total	19,925	6,278	14,000	-2,072	6,000	6,000	0.00%
201		BRIDGE CAPITAL PROJECT FUND CASH BALANCE	167,098	173,376					
202	SPECIAL PROJECT FUND <i>This fund was created in 2013.</i>								
203	301-36103	REVENUE: Greenwood Park Stormwater Project	0	207,755	0	0	0	0	#DIV/0!
204	301-47000-603	EXPENSE: Greenwood Park Stormwater Project (Engineering, Etc)	1,173	133,536	0	39,443	0	0	#DIV/0!
205		Net Total	-1,173	74,219	0	-39,443	0	0	#DIV/0!
206		SPECIAL PROJECT FUND CASH BALANCE	0	67,489					
207	ROAD IMPROVEMENT FUND <i>This fund was created in 2014. The funds may be used for any city purpose. Goal: \$_____.</i>								
208	404-36230	REVENUE: Transfers from General Fund and other revenue sources	144,000	138,848	134,000	124,000	124,000	124,000	0.00%
209	404-36231	REVENUE: Misc. Revenue (CAMA, Conduit Financing Revenue, Etc.)	0	3,974	0	0	0	0	#DIV/0!
210	404-45100-100	EXPENSE: Capital Outlay	107,073	196,960	75,000	36,381	75,000	75,000	0.00%
211	404-45100-303	EXPENSE: Engineering Expenses, Public Notices, Etc.	39,452	70,220	20,000	10,590	20,000	20,000	0.00%
212		Net Total	-2,525	-128,332	39,000	77,029	29,000	29,000	0.00%
213		ROAD IMPROVEMENT FUND CASH BALANCE	109,425	109,425					
214		Total Cash Balance	1,203,625	1,247,263					

Greenwood's Current Fee Schedule, 07-17-18

Type of License, Permit, or Fee	Section	Fee	Conditions & Terms
Advertisement Tube License	490.00	\$25	Annual per tube
Animal Fees:			
Dog License	445.80	\$25 (\$15 if purchased in year 2)	Good for up to 2 years
Dangerous Animal Registration	445.65	Determined by police department.	Plus proof of \$100,000 insurance
Private Kennel License (4 or more dogs)	445.15	\$100 per dog	Annual
Blasting Permit	910.20	\$500	Council approval required
Boat Launch Permit Sticker (for Meadville boat launch):			
Resident	425.45	First 2 stickers are free. Additional stickers \$10 each.	Annual. 2 free stickers per address. Additional stickers require proof of residency and vehicle information / license plate number.
Non-Resident	425.45	\$100	Annual per vehicle. Must provide vehicle information / license plate number.
Building-Related Fees:			
Building Permit	300.10 1140.17 subd 2	Per 1997 Uniform Building Code, plus \$200 for projects that increase hardcover by 200 sq ft or more and for projects that received a hardcover variance.	
IPM Code Book	320.30	\$75	Per copy
Electrical Permit Fees	300.07	Per the city of Deephaven's fee schedule.	
Excavation / Filling Permit	440.00	1.5% of the project cost.	
Excavation Permit: Temporary	1140.50	The fee is the cost incurred by the city for the review of the excavation plan.	Council approval required plus proof of bonding to cover expense of development plan.
Excavation Permit: Street / Sewer	640.30 & 640.95	The fee is the cost incurred by the city for the review of the excavation plan.	Plus surety bond as determined by city engineer.
Heating, Ventilating, AC, Refrigeration Permit Fees	300.07	Per the city of Deephaven's fee schedule.	
Moving Permit	300.20	1.5% of the project cost.	
Parking Permit for Building Project (see parking permits)	305.00	\$250	Per project
Permit to Extend Completion of Exterior Work	300.30	\$200 for first 60-day extension (administrative) \$400 for an additional extension (council)	Required per structure
Plumbing Permit Fees	300.07	Per city of Deephaven's fee schedule.	
Tree Removal / Construction-Related (see building-related fees)	1140.80	\$250	Home Addition: Remove up to 10% of trees. New Construction: Remove up to 20% of trees. Tree preservation plan required for both.
Burning Permit:			
Recreational	475.10	No permit required	
Non-Recreational	475.10	\$50	Per instance
City Code Book (binder with tabs and photocopies)		\$100	
Dock Fees:			
Commercial Marina License, Base	430.10	\$110	Base per year
Commercial Marina License, Per Slip	430.10	\$5	Per slip, per year
Municipal St. Alban's Bay Dock Permit	425.30 (5)	\$1450	Per slip, per season
Municipal Sailboat Space Permit	425.30 (5)	\$300	Per slip, per season
Municipal Canoe / Kayak Permit	425.30 (5)	\$50	Per space, per season
Duplicate Permit / License	400.15	\$10	Per instance
Excavation Permit: Temporary	1140.50	The fee is the cost incurred by the city for the review of the excavation plan.	Council approval required plus proof of bonding to cover expense of development plan.
Excavation Permit: Street / Sewer	640.30 & 640.95	The fee is the cost incurred by the city for the review of the excavation plan.	Plus surety bond as determined by city engineer.
False Alarm Fees:			
Fire (after 2nd offense in 12 mo. period)	460.03	\$150	
Police (after 3rd offense in 12 mo. period)	455.10	\$150	

Fire / Police Alarm Non-Compliance Fine	455.35 & 460.07	\$1,000	According to state statute
Fireworks Permit	900.55	\$100	Council approval required
Gambling License	915.15	\$100	Council approval required
Garage Sale Permit (more than 1 in 12-month period)	450.25	\$150 per event, plus proof of insurance: \$300,000 per person, \$500,000 per incident, \$50,000 property damage.	
Garbage / Refuse Collector License	475.20	\$200 per year, plus proof of insurance: \$100,000 per person, \$500,000 per incident, \$100,000 property damage	
Gasoline Station / Auto Repair License	420.15	\$100 per site plus \$10 per pump	Annual
Home Occupation License	480	\$50	Annual. City council approval required. The city council may impose conditions.
Liquor Fees			
Off-Sale Non-Intoxicating License	800.15 & 800.35	\$100 per year plus commercial general liability by an insurance company licensed to do business in the state of Minnesota with a limit of liability of not less than \$1,000,000 per occurrence for bodily and property damage and loss of means of support with the "City of Greenwood" named as an additional insured on the policy. The liability policy must provide that it may not be canceled for any cause either by the insured or the insurance company without first giving ten days notice to the city in writing of that intention. The policy also must provide that any amount paid by the insurance company as a result of a claim will not reduce the coverage available to pay subsequent claims. Businesses with projected liquor sales of less than \$50,000 per year are only required to comply with the minimum insurance requirements in Minnesota state statutes.	
Off-Sale Non-Intoxicating, Investigation Fee	800.30	\$500 plus all costs and expenses associated with investigation outside of MN as allowable by state statute	
On-Sale Non-Intoxicating Temporary License	800.15	\$100 plus the minimum insurance requirements in Minnesota state statutes. License good for no more than 3 consecutive days	
On-Sale Intoxicating License	820.40 & 820.45	\$10,000 per year plus commercial general liability and dram shop insurance by an insurance company licensed to do business in the state of Minnesota with a limit of liability of not less than \$1,000,000 per occurrence for bodily and property damage and loss of means of support with the "City of Greenwood" named as an additional insured on the policy. The liability policy must provide that it may not be canceled for any cause either by the insured or the insurance company without first giving ten days notice to the city in writing of that intention. The policy also must provide that any amount paid by the insurance company as a result of a claim will not reduce the coverage available to pay subsequent claims.	
On-Sale Intoxicating, Wine License	820.40	\$2,000	Annual
On-Sale Intoxicating, Sunday License	820.40	\$200	Annual
On-Sale Intoxicating, Delimited License	820.40	\$2,500	Annual
On-Sale Intoxicating, Investigation Fee	820.35	\$500 plus all costs and expenses associated with investigation outside of MN as allowable by state statute	
On-Sale Intoxicating, Investigation Fee for Renewal Applications or Change of Status	820.35	\$250 per person to be investigated (not to exceed \$500)	Annual
On-Sale Surety Bond	820.45	\$1,000	In conjunction w/application
Load Limit Fees			
Per Trip Special Operating Permit (Jan 1-Feb 29 and May 2-Dec 31)	730.00	\$50	Per round trip. Not required for building projects exceeding \$20,000 in value.
Per Trip Special Operating Permit (Mar 1-May 1)	730.00	\$500 per round trip. Or \$450 per round trip with Blanket Special Operating Permit.	
Blanket Special Operating Permit	730.00	20% of the Building Permit or Moving Fee	Required for building projects exceeding \$20,000 in value. Blanket special operating permit holders must pay the additional March 1-May 1 per round trip fee for operation of vehicles in excess of the stated March 1-May 1 weight restriction.
Mailing Labels of City Utility Billing Database		\$50	Per instance

Misc. Petitions to the City for Legal Consent or Releases Application Fee		\$200 plus consultant and contract service provider expenses incurred by the city as they exceed the base fee amount	Per application
Mobile Home Park Permit Fee	405.40	\$100	Annual
Mobile Home 15-Day License	405.40	\$100	Per instance
Mobile Home Temporary Residence License	405.40	\$100	Per instance
Parking Fees:			
Parking Permit for Building Project (see building-related fees)	305.00	\$250	Per project
Temporary Parking Permit	710.05	\$25	Charged on a per event basis. Fee will be refunded in cases where the permit is revoked due to inclement weather.
Peddler Permit	465.10	\$250	For 6 months
Photocopies	125.00	\$0.25 for black and white, \$1 for color	Per copy
Recycling Collection Fee	475.30	\$16	Quarterly
Rental Property License	320.30	\$50 first unit, \$30 per additional unit	Annual
Right-of-Way Fees:			
Delay Penalty	630.03	\$200 per day	
Encroachment Permit	630.21	Council approval required. Fee will be determined by the city council.	
Excavation, Obstruction, or Small Wireless Facility Permit	630.04 630.06 630.09	\$250 in addition to a certificate of insurance for at least \$2 million naming the city as an additional insured, verifying that the applicant is insured against claims for personal injury, death, or property damages associated with work in the right-of-way, and requiring 30-day notice to the city of cancellation or material modification of the policy. If the city restores the right-of-way, the permittee shall pay the estimated costs as part of the permit application fee with the actual costs to be determined and paid or refunded on completion of the project. NOTE: FEES ARE ESTABLISHED BY MN STATE STATUTES 237.162 & 237.163 OR ANY ORDINANCE ENACTED UNDER THOSE SECTIONS.	Paid with permit application.
Small Wireless Collocation Agreement Fees (for locations on city-owned poles or structures)	630.05	(a) Up to \$150 per year for rent to collocate on the city structure. (b) \$25 per year for maintenance associated with the collocation. (c) A monthly fee for electrical service as follows: \$73 per radio node less than or equal to 100 maximum watts; \$182 per radio node over 100 maximum watts; or the actual costs of electricity, if the actual cost exceed the foregoing. NOTE: FEES ARE ESTABLISHED BY MN STATE STATUTES 237.162 & 237.163 OR ANY ORDINANCE ENACTED UNDER THOSE SECTIONS.	
Sanitary Sewer Non-Compliance Surcharge: Residential	310.30 5(f)	\$300	Quarterly
Sanitary Sewer Non-Compliance Surcharge: Commercial	310.30 5(f)	\$750	Quarterly
Security Deposit / Security Agreement for Landscaping	1140.60	The greater of \$1500 or 2% of the building value submitted on the building permit application. The fine is the greater of \$1000 or .4% of the building value submitted on the building permit application for each month (or part thereof) after 12 months the landscaping or conditions remain uncompleted.	See section 1140.60 for more information (including details about the security agreement option).
Security Deposit / Security Agreement for Performance of Conditions of a Variance or Conditional Use Permit Grant	1140.60 1150.20 1155.17	Security Deposits / Agreements must be approved by the city council. If approved, the city council shall set the fee amount.	See sections 1150.20 (conditional use permits) or 1155.17 (variances) for more information (including details about the security agreement option).
Sewer Fees:			
Lateral Connection Fee		\$5,120	Per instance
Sewer Access Charge (SAC)		As set by the Metropolitan Council, plus \$200	
Cap Fee		\$100	Per instance
Re-Connection Fee		\$100	Per instance

Repair Permit Fee		\$75	Per instance
Residential Rate	310.56	\$65 per residential sanitary service unit	Quarterly
Commercial Rate	310.56	\$65 per commercial sanitary service unit	Quarterly
Sewer / Recycling / Stormwater Delinquent Accounts:			
Late Fee	310.56, 311.00 & 475.30	3% of the delinquent amount per quarter (12% annually).	Certified to county annually.
Assessment Amounts	310.56, 311.00 & 475.30	The total delinquent amount including late fees, plus 12% per year once certified to the county, in addition to any fees charged by the county.	Certified to county annually.
Showcase Event Permit	450.25	\$250 per event, plus proof of insurance: \$300,000 per person, \$500,000 per incident, \$50,000 property damage.	
Sign Permit: Temporary	1140.40	\$50	Valid for 30 days. Limit 6 per year.
Stormwater Management Utility Fee:			
Residential	525.00	\$19	Quarterly
Commercial	525.10(3)	3 x current residential rate	Quarterly
Street Excavation Permit	640.30	\$200	Per site
Subdivision-Related Fees:			
Simple Subdivision Fee	600.07	\$400 plus consultant / contract service provider expenses incurred by the city as they exceed the base fee amount.	
Preliminary Plat Application Fee	600.10	\$500 plus consultant / contract service provider expenses incurred by the city as they exceed the base fee amount.	
Final Plat Application Fee	600.15	\$500 plus park fund fee and consultant / contract service provider expenses incurred by the city as they exceed the base fee amount.	
Park Dedication Fee	600.35	8% of the assessor's land valuation for the entire parcel prior to subdivision on January 2 of the year of the final plat application.	
Tobacco License	415.04	\$100	Annual
Tree Contractor License	435.00 & 1140.80	\$50	Annual. Proof of insurance also required: workers compensation insurance and liability insurance in the amounts of \$500,000 for injury or death of any one person, \$500,000 for injury or death of more than one person in any one accident, and \$100,000 for damage to property.
Tree Removal Fees:			
Tree Removal Conditional Use Permit Shore / Bluff Impact Zone	1140.80	\$100	Per application
Exceed Permitted Tree Harvest	1140.80	\$100	Maximum of 5 significant trees
Tree Removal / Construction-Related (see building-related fees)	1140.80	\$250	Home Addition: Remove up to 10% of trees. New Construction: Remove up to 20% of trees. Tree preservation plan required for both.
Zoning-Related Fees:			
Code Amendment Application Fee	1160.05	\$400 plus consultant and contract service provider expenses incurred by the city as they exceed the base fee amount	Per application
Conditional Use Permit Application Fee	1150.15	\$400 plus consultant and contract service provider expenses incurred by the city as they exceed the base fee amount	Per application
Conditional Use Permit Extension	1150.21	1st 1-year extension: \$50 (approved by zoning administrator). Subsequent 1-year extensions: \$350 (approved by city council).	
Misc. Administrative Review Fee	Chapter 11	\$200 plus consultant and contract service provider expenses incurred by the city as they exceed the base fee amount	Per application
Preliminary Administrative Plan Review Fee	1105.00	\$200	Per instance
Shoreland Compliance Review Fee	1176.03	\$200	Per application. Paid only once if paid at variance or CUP application prior to building permit application. Signage CUP applications are exempt from paying the Shoreland Compliance Review Fee.
Variance Application Fee	1155.25	\$450 plus consultant and contract service provider expenses incurred by the city as they exceed the base fee amount	Per application
Variance Extension	1155.10(9)	1st 1-year extension: \$50 (approved by zoning administrator). Subsequent 1-year extensions: \$350 (approved by city council).	

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE CHAPTER 5 FEES**

THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA DOES ORDAIN:

SECTION 1.

The Greenwood ordinance code section 510 fee schedule is amended to update the following fees:

“

Type of License, Permit, or Fee	Section	Fee	Conditions & Terms
Municipal St. Alban's Bay Dock Permit	425.30 (5)	\$1450 <u>\$1500</u>	Per slip, per season
Recycling Collection Fee	475.30	\$46 <u>\$20</u>	Quarterly

”

SECTION 2.

Effective Date. This ordinance shall be effective January 1, 2019.

Enacted by the city council of the city of Greenwood, Minnesota this __ day of October, 2018.

There were __ AYES and __ NAYS.

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana H. Young, City Clerk

CITY OF GREENWOOD

Debra J. Kind, Mayor

Attest: Dana H. Young, City Clerk

First reading: ____

Second reading: ____

Publication: ____

2016 Municipal Dock Fees

Tonka Bay	\$1,600
Deephaven	\$875
Excelsior *	\$2,306
AVERAGE	\$1,594

* Excelsior charges \$98 per foot for residents, \$75 per foot for senior residents.
Excelsior has a total of 67 slips. 10 are rented to seniors.
The below table shows how Excelsior's fee was calculated.

Greenwood Maximum Boat Lengths:

14 slips at 23ft max	53.85%
12 slips at 26ft max	46.15%
	<u>100.00%</u>

57 x 53.85%	30.69
57 x 46.15%	26.31
	<u>57.00</u>

10 x 53.85%	5.39
10 x 46.15%	4.62
	<u>10.00</u>

23 x \$98	\$2,254	X	30.69	\$69,185
26 x \$98	\$2,548	X	26.31	\$67,026
			<u>57.00</u>	

23 x \$75	\$1,725	X	5.39	\$9,289
26 x \$75	\$1,950	X	4.62	\$8,999
			<u>10.00</u>	

<u>\$154,500</u>	TOTAL REVENUE
\$2,306	AVERAGE (total divided by 67 slips)

NOTE: Tonka Bay Marine is charging \$5400 for a 26ft boat in 2018.
The \$5400 fee is for a summer slip only and does not include winter storage.

2018 CERTIFIED CITY LEVY PER PERSON

Hennepin County Lake Minnetonka Cities

	2018 Certified Levy	2016 Population	2018 Certified Levy Per Person
Minnetonka Beach	\$986,565	531	\$1,858
Wayzata	\$4,683,662	4,678	\$1,001
Greenwood	\$637,879	703	\$907
Woodland	\$367,644	460	\$799
Tonka Bay	\$1,122,322	1,558	\$720
Shorewood	\$5,369,245	7,496	\$716
Orono	\$5,439,951	7,691	\$707
Minnetonka	\$35,657,801	52,741	\$676
Excelsior	\$1,477,591	2,225	\$664
Minnetrista	\$4,473,650	7,238	\$618
Spring Park	\$1,042,489	1,697	\$614
Mound	\$5,704,456	9,371	\$609
Deephaven	\$2,182,875	3,921	\$557

Certified Levy Source: www.co.hennepin.mn.us, Taxing District Information

Population Source: www.metrocouncil.org, Data & Maps, Download Data, Population and Household Estimates

Updated 05-07-18

Tax Capacity Formula & Tax Rate Comparison for Taxes Payable in 2018

A property with an assessed EMV of:	\$750,000			
First \$500,000 is multiplied by 1%	\$500,000	x	1%	= \$5,000
Balance is multiplied by 1.25%	\$250,000	x	1.25%	= \$3,125
Equals the "tax capacity" for the property:				\$8,125

The above tax capacity formula is determined by the state and the multipliers are the same for every property in the state. To calculate your property's **tax capacity**, simply replace the **bold** number on the first line of the above formula with your property's **2017 estimated market value (EMV)**. The tax capacity number in yellow then is automatically inserted into the below spreadsheet and multiplied times the county, school, city, and misc tax **rates** to calculate the total **2018 taxes** for your property (Greenwood line if you live in Greenwood) and compares your taxes to the taxes paid by other properties with the same EMV in other cities. The tax **rate** is the same for every property in a jurisdiction.

The tax rates for **2019** will not be known until budgets / levies are set in the fall of **2018**. So this sheet will **NOT** work for calculating your **2019** taxes.

The below chart shows how a Hennepin County / Minnetonka School District property with the **same EMV** will pay more or less taxes depending on the **CITY** it is located in.

	HENNEPIN COUNTY TAXES			MTKA SCHOOL DISTRICT TAXES						CITY TAXES			MISC TAXES: Hennepin Parks, Met Council, Watershed, etc.			TOTAL	
	COUNTY Tax Rate	Tax Capacity	Total COUNTY Taxes	SCHOOL Tax Rate	Tax Capacity	Subtotal SCHOOL Taxes	SCHOOL Referendum Tax Rate*	EMV	Subtotal SCHOOL Ref Taxes	Total SCHOOL Taxes	CITY Tax Rate	Tax Capacity	Total CITY Taxes	MISC Tax Rate	Tax Capacity	Total MISC Taxes	Total PROPERTY Taxes
Minnetonka	43.177%	\$8,125	\$3,508	23.12400%	\$8,125	\$1,879	0.30352%	\$750,000	\$2,276	\$4,155	35.853%	\$8,125	\$2,913	10.644%	\$8,125	\$865	\$11,441
Eden Prairie	43.177%	\$8,125	\$3,508	23.12400%	\$8,125	\$1,879	0.30352%	\$750,000	\$2,276	\$4,155	32.797%	\$8,125	\$2,665	10.644%	\$8,125	\$865	\$11,193
Shorewood	43.177%	\$8,125	\$3,508	23.12400%	\$8,125	\$1,879	0.30352%	\$750,000	\$2,276	\$4,155	28.746%	\$8,125	\$2,336	10.644%	\$8,125	\$865	\$10,864
Excelsior	43.177%	\$8,125	\$3,508	23.12400%	\$8,125	\$1,879	0.30352%	\$750,000	\$2,276	\$4,155	27.122%	\$8,125	\$2,204	10.644%	\$8,125	\$865	\$10,732
Tonka Bay	43.177%	\$8,125	\$3,508	23.12400%	\$8,125	\$1,879	0.30352%	\$750,000	\$2,276	\$4,155	17.023%	\$8,125	\$1,383	10.644%	\$8,125	\$865	\$9,911
Greenwood	43.177%	\$8,125	\$3,508	23.12400%	\$8,125	\$1,879	0.30352%	\$750,000	\$2,276	\$4,155	16.089%	\$8,125	\$1,307	10.644%	\$8,125	\$865	\$9,835
Deephaven	43.177%	\$8,125	\$3,508	23.12400%	\$8,125	\$1,879	0.30352%	\$750,000	\$2,276	\$4,155	15.430%	\$8,125	\$1,254	10.644%	\$8,125	\$865	\$9,782
Woodland	43.177%	\$8,125	\$3,508	23.12400%	\$8,125	\$1,879	0.30352%	\$750,000	\$2,276	\$4,155	10.148%	\$8,125	\$825	10.644%	\$8,125	\$865	\$9,353

Greenwood Percent of \$1

35.7%

42.2%

13.3%

8.8% 100.0%

* School referendum tax rates are multiplied times the total EMV, not the tax capacity number.

Source: www.hennepin.us, Taxing District Information, Proposed Tax Rate Cards.

Sheet updated 02-17-18

TAX RATE HISTORY

Tax rates are calculated by taking the budgeted levy and dividing it by the total tax capacity of derived from the estimated market values (EMVs) for all properties in a jurisdiction from the previous year.

FOR EXAMPLE: Greenwood's budgeted levy has had zero increases since 2010. So when Greenwood's EMVs decreased from 2009 to 2013, the city's tax rate increased from 2010 to 2014 in order to collect the same budgeted levy amount. Conversely, when Greenwood's EMVs increased from 2014 to 2017 the city's 2015 to 2018 tax rates decreased to collect the same budgeted levy amount.

	2010 Tax Rates Based on 2009 EMVs	2011 Tax Rates Based on 2010 EMVs	2012 Tax Rates Based on 2011 EMVs	2013 Tax Rates Based on 2012 EMVs	2014 Tax Rates Based on 2013 EMVs	2015 Tax Rates Based on 2014 EMVs	2016 Tax Rates Based on 2015 EMVs	2017 Tax Rates Based on 2016 EMVs	2018 Tax Rates Based on 2017 EMVs
Hennepin County	41.945%	45.840%	48.231%	49.461%	49.959%	46.398%	45.356%	44.087%	43.177%
Mtka School Dist	18.657%	21.274%	23.015%	24.487%	24.374%	25.093%	22.887%	22.770%	23.124%
Greenwood	17.936%	19.107%	20.336%	20.897%	22.246%	19.819%	18.963%	17.033%	16.089%

Source: www.hennepin.us, Taxing District Information, Final Tax Rate Cards (2010-2017), Proposed Rate Cards (2018)

The above chart does not include school district referendum tax rates and misc tax rates.

Updated 02-17-18



Agenda Item: Consent Agenda

Summary: The consent agenda typically includes the most recent council minutes, cash summary report, verified report, electronic fund transfers, and check registers. The consent agenda also may include the 2nd reading of ordinances that were approved unanimously by the council at the 1st reading. Council members may remove consent agenda items for further discussion. Removed items will be placed under Other Business on the agenda.

Council Action: Required. Possible motion ...

1. I move the council approves the consent agenda items as presented.

MINUTES

Greenwood City Council Meeting

Tuesday, July 10, 2018

20225 Cottagewood Road, Deephaven, MN 55331



1. CALL TO ORDER | ROLL CALL | APPROVE AGENDA

Mayor Kind called the meeting to order at 7:00pm.

Members Present: Mayor Kind; Councilmembers Bill Cook, Kristi Conrad, Tom Fletcher

Members Absent: Councilman Bob Quam

Staff Members Present: City Zoning Administrator Dale Cooney, City Engineer Dave Martini

Motion by Kind to approve the agenda. Second by Cook. Motion passed 4-0.

2. CONSENT AGENDA

A. Approve: 05-30-18 City Council Special Meeting Minutes

B. Approve: 06-06-18 City Council Meeting Minutes

C. Approve: May Cash Summary Report

D. Approve: May Certificates of Deposit Report

E. Approve: June Verifieds, Check Register, Electronic Fund Transfers

F. Approve: July Payroll Register

G. Approve: Res 18-18, Election Judges

Motion by Kind to approve the consent agenda. Second by Cook. Motion passed 4-0.

3. MATTERS FROM THE FLOOR

A. None

4. PRESENTATIONS, REPORTS, GUESTS, AND ANNOUNCEMENTS

A. City Engineer: Dave Martini, 2018 Road Improvement Projects and CAMA Application

Motion by Fletcher that the city council (1) approves the bid from GMH Asphalt in the amount of \$112,733.95 to complete the 2018 Road Improvement Projects that include reclaiming sections of Meadville Street and Fairview Street, adding a concrete valley gutter to a section of Minnetonka Boulevard south of Byron Circle, patching Minnetonka Boulevard and patching various streets throughout the city; (2) authorizes payment to GMH Asphalt from the Road Improvement Fund; (3) authorizes the city treasurer to transfer \$50,000 from the General Fund (code 101-43200-500) to the Road Improvement Fund (interfund transfer IN code 404-36230); and (4) authorizes the city engineer to submit the project approval form to receive CAMA funds for the city's 2018 road projects. Second by Cook. Motion passed 4-0.

B. Announcement: Budget & Fees Worksession, 6pm 08-01-18 (before council meeting)

No council action taken. View the announcement at LMCC-TV.org.

C. Announcement: Tour de Tonka, 08-04-18, some routes travel through Greenwood – expect delays.

No council action taken. View the announcement at LMCC-TV.org.

D. Announcement: National Night Out, 08-07-18, if you would like an officer from the South Lake Minnetonka Police Department to stop by your gathering, contact Laura Holtan 952.960.1643 lholtan@southlakepd.com.

No council action taken. View the announcement at LMCC-TV.org.

5. PUBLIC HEARINGS

B. None

6. ACTION RELATED TO PUBLIC HEARINGS

A. None

7. PLANNING & ZONING ITEMS

- A. Discuss: Ord 279, Amending Zoning Code Chapter 11 Updating Residential Zoning Regulations

Motion by Cook that the city council (1) directs that ordinance 279 be amended as discussed; and (2) directs that ordinance 279 be placed on the 08-01-18 agenda for a 1st reading. Second by Conrad. Motion passed 4-0.

8. UNFINISHED BUSINESS

- A. None

9. NEW BUSINESS

- A. None

10. OTHER BUSINESS

- A. None

11. COUNCIL REPORTS

- A. Conrad: Planning Commission

No report, since planning commission items were discussed during the meeting.

- B. Cook: Lake Minnetonka Conservation District, Public Works Committee, St. Alban's Lake Improvement District

No council action taken. View discussion at LMCC-TV.org.

- C. Fletcher: Lake Minnetonka Communications Commission, Fire, Administrative Committee

No council action taken. View discussion at LMCC-TV.org.

- D. Kind: Police, Administrative Committee, Mayors' Meetings, Website

The consensus of the council was to include a resolution on a future agenda to dedicate the trail at Greenwood Park in honor of the McQuinns.

Councilman Cook is going to report on potential trail improvements at the August council meeting.

Motion by Kind to appoint a subcommittee of Councilman Fletcher and Councilman Cook to address Georgetown Manor concerns. Second by Conrad. Motion passed 4-0.

View discussion at LMCC-TV.org.

- E. Quam: Minnetonka Community Education, Public Works Committee

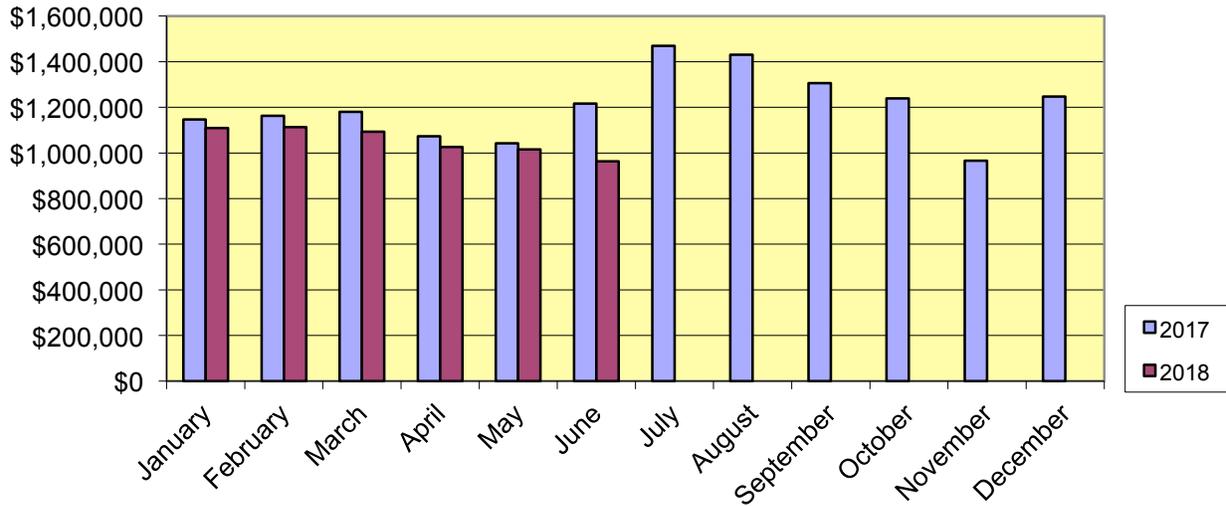
No report since Quam was not at the meeting.

12. ADJOURNMENT

Motion by Kind to adjourn the meeting at 8:07pm. Second by Cook. Motion passed 4-0.

This document is intended to meet statutory requirements for city council meeting minutes. A video recording was made of the meeting, which provides a verbatim account of what transpired. The video recording is available for viewing on LMCC TV channel 8 for 1 month, at www.lmcc-tv.org for 1 year, and on DVD at the city office (permanent archive).

City of Greenwood Monthly Cash Summary



Month	2017	2018	Variance with Prior Month	Variance with Prior Year
January	\$1,146,895	\$1,109,319	-\$137,944	-\$37,576
February	\$1,162,355	\$1,112,677	\$3,358	-\$49,678
March	\$1,180,149	\$1,093,832	-\$18,845	-\$86,317
April	\$1,073,772	\$1,026,926	-\$66,906	-\$46,846
May	\$1,042,937	\$1,015,367	-\$11,559	-\$27,570
June	\$1,216,488	\$963,832	-\$51,535	-\$252,656
July	\$1,469,592		-\$963,832	-\$1,469,592
August	\$1,430,595		\$0	-\$1,430,595
September	\$1,306,495		\$0	-\$1,306,495
October	\$1,238,961		\$0	-\$1,238,961
November	\$965,784		\$0	-\$965,784
December	\$1,247,263		\$0	-\$1,247,263

Alerus Bank Checking	\$3,288
Bridgewater Bank Checking	\$12,539
Alerus Bank Money Market	\$5,394
Bridgewater Bank Money Market	\$162,611
Bridgewater Bank CD's	\$780,000
	<u>\$963,832</u>

ALLOCATION BY FUND

General Fund	\$227,861
Special Project Fund	\$28,046
General Fund Designated for Parks	\$16,756
Bridge Capital Project Fund	\$171,304
Road Improvement Fund	\$57,249
Stormwater Fund	\$18,797
Sewer Enterprise Fund	\$341,566
Marina Enterprise Fund	\$102,303
	<u>\$963,832</u>

GREENWOOD CERTIFICATES OF DEPOSIT

Report Date: 6/30/18

Acct #	Bank	Date	Term	Maturity	Rate	Amount
x237	Bridgewater Bank	05/08/18	6 Month	11/08/18	1.24%	\$ 130,000.00
x238	Bridgewater Bank	05/08/18	10 Month	03/08/19	1.49%	\$ 130,000.00
x239	Bridgewater Bank	05/08/18	12 Month	05/08/19	1.74%	\$ 130,000.00
x240	Bridgewater Bank	05/08/18	16 Month	09/08/19	1.74%	\$ 130,000.00
x241	Bridgewater Bank	05/08/18	18 Month	11/08/19	2.08%	\$ 130,000.00
x242	Bridgewater Bank	05/08/18	22 Month	03/08/20	2.08%	\$ 130,000.00
TOTAL						\$ 780,000.00

CITY COUNCIL POLICY: 09-03-14 Motion by Roy to authorize the administrative committee to open CDs with a maximum initial maturity of 25 months with a combined maximum total CD balance of \$500,000 at Alerus Bank or Bridgewater Bank. Second by Cook. Motion passed 5-0.

11-02-16 Motion by Fletcher that the city council authorizes an increase from \$500,000 to \$600,000 for the city's maximum balance of certificate of deposit. Second by Roy. Motion passed 5-0.

10-04-17 Motion by Fletcher that the city council approves the August Certificates of Deposit Report and increases the maximum combined balance for Certificates of Deposit from \$600,000 to \$700,000. Second by Kind. Motion passed 4-0.

05-02-18 Motion by Conrad that the Greenwood city council (1) authorizes the administrative committee to move forward with the Bridgewater Bank CD staging concept; and (2) authorizes a maximum of \$800,000 to be invested in CDs. Second by Quam. Motion passed 5-0.

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
BOLTON & MENK, INC.					
51	BOLTON & MENK, INC.	0219528	2018 MISC ENGINEERING	06/30/2018	60.00
		0219529	2018 STREET IMPROVEMENTS	06/30/2018	2,203.50
		0219531	2018 SWMP UPDATE	06/30/2018	102.00
		0219532	GRWD/4900 MEADVILLE EASEMENT	06/30/2018	164.00
Total BOLTON & MENK, INC.					2,529.50
CATALYST GRAPHICS INC					
762	CATALYST GRAPHICS INC	21153	CITY NEWSLETTER	06/19/2018	99.00
		21154	REPUBLIC FLYER	06/19/2018	115.50
Total CATALYST GRAPHICS INC					214.50
CITY OF DEEPAVEN					
9	CITY OF DEEPAVEN	JULY 2018	RENT & EQUIPMENT	07/11/2018	487.45
			Postage		181.48
			COPIES		128.90
			BIKE PATH		491.00
			STREETS		196.40
			WEED/TREE/MOWING		2,307.65
			PARK MAINTENANCE		687.40
			STORM SEWERS		589.20
			2nd Quarter Building Permits		5,596.04
			ZONING		664.02
			Clerk Services		3,817.80
Total CITY OF DEEPAVEN					15,147.34
CIVIC SYSTEMS, LLC					
586	CIVIC SYSTEMS, LLC	CVC16761	Semi-Annual Support Fee	06/26/2018	1,106.00
Total CIVIC SYSTEMS, LLC					1,106.00
DEBRA KIND					
761	DEBRA KIND	06 26 18	NEWSLETTER PRINTING	06/26/2018	106.44
Total DEBRA KIND					106.44
ECM PUBLISHERS INC					
822	ECM PUBLISHERS INC	608121	LEGAL NOTICE	06/14/2018	130.90
		608122	LEGAL NOTICE	06/14/2018	77.35
		608123	LEGAL NOTICE	06/14/2018	351.05
		611647	LEGAL NOTICE	06/28/2018	47.60
		611648	LEGAL NOTICE	06/28/2018	47.60
Total ECM PUBLISHERS INC					654.50
EMERY'S TREE SERVICE, INC.					
581	EMERY'S TREE SERVICE, INC.	22084	TREE MAINTENANCE	06/30/2018	300.00
Total EMERY'S TREE SERVICE, INC.					300.00
EXCELSIOR FIRE DISTRICT					
52	EXCELSIOR FIRE DISTRICT	QTR 3 2018	3rd qtr buildings	07/01/2018	15,351.31
			3rd qtr operations		19,982.48

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
	Total EXCELSIOR FIRE DISTRICT				35,333.79
GOPHER STATE ONE CALL					
68	GOPHER STATE ONE CALL	8060418	Gopher State calls	06/30/2018	54.00
	Total GOPHER STATE ONE CALL				54.00
Hennepin County Taxpayer Svcs.					
78	Hennepin County Taxpayer Svcs.	0618-19	SPECIAL ASSMT ANNUAL FEE	06/29/2018	380.00
	Total Hennepin County Taxpayer Svcs.				380.00
HENNEPIN COUNTY TREASURER					
601	HENNEPIN COUNTY TREASURE	1000112183	BOOKING	06/22/2018	1,937.25
	Total HENNEPIN COUNTY TREASURER				1,937.25
KENNETH N. POTTS, P.A.					
886	KENNETH N. POTTS, P.A.	07 01 18	PROSECUTION SVCS	07/01/2018	400.00
	Total KENNETH N. POTTS, P.A.				400.00
LAKE MTKA CONSERVATION DISTRICT					
99	LAKE MTKA CONSERVATION DI	06 26 18	3rd QTR LEVY PMT	06/26/2018	1,704.00
	Total LAKE MTKA CONSERVATION DISTRICT				1,704.00
METRO COUNCIL ENVIRO SERVICES					
105	METRO COUNCIL ENVIRO SERV	0001084518	Monthly wastewater Charge	07/03/2018	2,256.07
	Total METRO COUNCIL ENVIRO SERVICES				2,256.07
RANDY'S ENVIRONMENTAL SERVICES					
867	RANDY'S ENVIRONMENTAL SEF	JUNE 2018	RECYCLING SERVICES SPRING CLEAN UP DAY	06/19/2018	1,628.25 4,481.47
	Total RANDY'S ENVIRONMENTAL SERVICES				6,109.72
SO LAKE MINNETONKA POLICE DEPT					
38	SO LAKE MINNETONKA POLICE	JULY 2018	2018 OPERATING BUDGET DEBT SERVICE	07/01/2018	15,933.41 11,507.50
	Total SO LAKE MINNETONKA POLICE DEPT				27,440.91
ST ALBANS BAY LAKE IMPROVEMENT					
868	ST ALBANS BAY LAKE IMPROVE	07 05 18	TAX SETTLEMENT JAN 2018 TAX SETTLEMENT JULY 2018	07/05/2018	155.78 14,324.06
	Total ST ALBANS BAY LAKE IMPROVEMENT				14,479.84
XCEL ENERGY					
145	XCEL ENERGY	06 25 18	SIREN Sleepy Hollow Road * 4925 MEADVILLE STREET * LIFT STATION #1 LIFT STATION #2 LIFT STATION #3 LIFT STATION #4	06/25/2018	3.92 8.39 8.38 46.06 56.46 28.72 41.77

<u>Vendor</u>	<u>Vendor Name</u>	<u>Invoice No</u>	<u>Description</u>	<u>Inv Date</u>	<u>Net Inv Amt</u>
			LIFT STATION #6		85.88
			Street Lights *		396.34
	Total XCEL ENERGY				<u>675.92</u>

Total Paid: 110,829.78
Total Unpaid: -
Grand Total: 110,829.78

Check Issue Date(s): 07/01/2018 - 07/31/2018

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
07/18	07/11/2018	11066	51	BOLTON & MENK, INC.	404-20100	2,529.50
07/18	07/11/2018	11067	762	CATALYST GRAPHICS INC	101-20100	214.50
07/18	07/11/2018	11068		Information Only Check	101-20100	.00 V
07/18	07/11/2018	11069	9	CITY OF DEEPHAVEN	502-20100	15,147.34
07/18	07/11/2018	11070	586	CIVIC SYSTEMS, LLC	101-20100	1,106.00
07/18	07/11/2018	11071	761	DEBRA KIND	101-20100	106.44
07/18	07/11/2018	11072	822	ECM PUBLISHERS INC	101-20100	654.50
07/18	07/11/2018	11073	581	EMERY'S TREE SERVICE, INC.	101-20100	300.00
07/18	07/11/2018	11074	52	EXCELSIOR FIRE DISTRICT	101-20100	35,333.79
07/18	07/11/2018	11075	68	GOPHER STATE ONE CALL	602-20100	54.00
07/18	07/11/2018	11076	78	Hennepin County Taxpayer Svcs.	101-20100	380.00
07/18	07/11/2018	11077	601	HENNEPIN COUNTY TREASURER	101-20100	1,937.25
07/18	07/11/2018	11078	886	KENNETH N. POTTS, P.A.	101-20100	400.00
07/18	07/11/2018	11079	99	LAKE MTKA CONSERVATION DISTRIC	101-20100	1,704.00
07/18	07/11/2018	11080	105	METRO COUNCIL ENVIRO SERVICES	602-20100	2,256.07
07/18	07/11/2018	11081	867	RANDY'S ENVIRONMENTAL SERVICES	101-20100	6,109.72
07/18	07/11/2018	11082	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	27,440.91
07/18	07/11/2018	11083	868	ST ALBANS BAY LAKE IMPROVEMENT	101-20100	14,479.84
07/18	07/11/2018	11084	145	XCEL ENERGY	101-20100	675.92
Totals:						<u>110,829.78</u>

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Description	GL Account	Amount
08/01/18	PC	08/01/18	8011801	CONRAD, KRISTI	39		001-10100	279.54
08/01/18	PC	08/01/18	8011802	COOK, WILLIAM B.	37		001-10100	279.54
08/01/18	PC	08/01/18	8011803	Fletcher, Thomas M	33		001-10100	179.54
08/01/18	PC	08/01/18	8011804	Kind, Debra J.	34		001-10100	419.32
08/01/18	PC	08/01/18	8011805	Quam, Robert	32		001-10100	279.54
Grand Totals:								<u>1,437.48</u>



Agenda Number: 2F

Agenda Date: 08-21-18

Prepared by Deb Kind

Agenda Item: Authorization to Send Budget Comment Opportunity Information to County

Summary: Every August the council is asked to determine when public comment will be taken regarding the budget and authorize the city clerk to send the information to the county. The information will be published in the property tax mailing sent out by the county. The council routinely sets the budget comment date at the January council meeting at same time other key dates are set for the year. December 5, 2018 at 7pm (regular city council meeting) was the date set by the council. The council needs to authorize the clerk to send this information to the county.

Council Action: Required. Consent agenda motion ...

I move the council authorizes the city clerk to send the following information to Hennepin County regarding the opportunity for the public comment regarding the city's 2019 budget: 7pm, Wednesday, December 5, 2018, Deephaven Council Chambers, 20225 Cottagewood Rd, Deephaven, MN 55331, phone 952.474.6633.



LIABILITY COVERAGE – WAIVER FORM

LMCIT members purchasing coverage must complete and return this form to LMCIT before the effective date of the coverage. Please return the completed form to your underwriter or email to pstech@lmc.org

This decision must be made by the member's governing body every year. You may also wish to discuss these issues with your attorney.

League of Minnesota Cities Insurance Trust (LMCIT) members that obtain liability coverage from LMCIT must decide whether to waive the statutory tort liability limits to the extent of the coverage purchased. The decision has the following effects:

- *If the member does not waive the statutory tort limits*, an individual claimant would be able to recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits apply regardless of whether the city purchases the optional excess liability coverage.
- *If the member waives the statutory tort limits and does not purchase excess liability coverage*, a single claimant could potentially recover up to \$2,000,000 for a single occurrence. (Under this option, the tort cap liability limits are waived to the extent of the member's liability coverage limits, and the LMCIT per occurrence limit is \$2 million.) The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to \$2,000,000, regardless of the number of claimants.
- *If the member waives the statutory tort limits and purchases excess liability coverage*, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

CITY OF GREENWOOD

LMCIT Member Name

Check one:

- The member **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04.
- The member **WAIVES** the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04 to the extent of the limits of the liability coverage obtained from LMCIT.

Date of city council/governing body meeting **AUGUST 1, 2018**

Signature _____

Position **CITY CLERK** _____



Agenda Number: 4A

Agenda Date: 08-01-18

Prepared by Deb Kind

Agenda Item: Chief Mike Meehan, South Lake Minnetonka Police Department Quarterly Update & 2018 Budget

Summary: Chief Meehan will attend the 08-01-18 city council meeting for the regular quarterly police update and to discuss the 2019 budget.

The South Lake Minnetonka Police Department coordinating committee (mayors of Excelsior, Greenwood, Shorewood, and Tonka Bay) unanimously voted to recommend approval of the attached operating budget (2.5% overall increase to member cities, 2.52% increase for Greenwood). The funding formula used to determine each member city's percentage contribution toward the operating budget is based on an arbitration ruling in 2006. Every 5 years the funding formula is subject to an automatic adjustment based on the criteria set forth in the ruling. The 2017 operating budget was the second time the formula was adjusted since the ruling took effect. The funding formula is not subject to be reset again until 2022.

The attached debt service amounts for the police side of the public safety facility include a -.03% decrease for Greenwood. The funding formula for the debt service is based solely on tax capacity. The debt service spreadsheet uses the latest tax capacity numbers posted on the county website.

Council Action: According to the 2006 4th amendment to the SLMPD joint cooperative agreement, the budget MUST be approved by ALL of the member city councils by September 1, or the amount of the previous year's Approved Annual Operating Budget will be increased by the lesser of the following: (a) The increase in the July Minneapolis / St. Paul Consumer Price Index for All Urban Consumers (CPI-U) over the previous 12-month period; or (b) The percentage increase in the most restrictive statutory levy limit applicable to the budget year placed on any of the Parties over the levy limit for that Party for the prior year. (c) In the event that (a) or (b) decreases, the operating budget shall remain the same. This provision applies only to operating expenses not governed by wage or benefit increases required by any union contracts. All Parties must pay wage or benefit increases as required by union contracts; other expenses can have ceilings applied per the above formula.

Potential motions ...

1. I move the Greenwood city council approves the 2019 South Lake Minnetonka Police Department operating budget and debt service payment amounts as presented.
2. Other motion ???



SOUTH LAKE MINNETONKA POLICE DEPARTMENT
Serving Excelsior, Greenwood, Shorewood and Tonka Bay

Mike Meehan
Chief of Police

24150 Smithtown Road
Shorewood, Minnesota 55331

Office (952) 474-3261
Fax (952) 474-4477

M E M O R A N D U M

TO: Kristi Luger, Excelsior City Manager
Dana Young, Greenwood City Administrator
Greg Lerud, Shorewood City Administrator
John Tingley, Tonka Bay City Administrator

FROM: Mike Meehan, Chief of Police

DATE: July 16th, 2018

RE: 2019 Operating Budget
Coordinating Committee Recommendation

As you are aware, the Coordinating Committee for the South Lake Minnetonka Police Department (SLMPD) passed, by a unanimous vote, a recommended operating budget for 2019. This took place at their quarterly meeting held on July 11th, 2018.

The recommended operating budget has been attached for your convenience. Overall the budget increased by 3.9 % over the 2018 operating budget with the majority of this increase due to wages and benefits.

The Coordinating Committee elected to use approximately \$40,000 in surplus funds from the 2017 operating budget to lower the increase to the cities. While the increases in expenses is at 3.9% the increase in the amount incurred by the cities is reduced to 2.5%.

In 2017, the funding formula was reset per the arbitration agreement of 2006. This was the second time the funding formula reset since the arbitration decision. The funding formula resets every five years with the current distribution rates in effect from 2017 through 2021.

The recommended budget now goes to your respective city councils for consideration prior to the September 1st deadline. Approval of all member cities is required to avoid the budget being determined by the default provision in the Joint Powers Agreement.

Cc: Coordinating Committee Members

2019 OPERATING BUDGET



COORDINATING COMMITTEE RECOMMENDATION

Wednesday - July 11, 2018
SOUTH LAKE MINNETONKA POLICE DEPARTMENT
2019 OPERATING BUDGET

Projected Expenses

COORDINATING COMMITTEE RECOMMENDATION

Wednesday - July 11, 2018

ITEM	CATEGORY	AMOUNT
50100	Salaries - Full-Time	\$1,550,050
50200	Salaries - General Overtime	\$35,000
50230	Salaries - Reimbursed Overtime	\$55,500
50300	Salaries - Part-Time	\$58,400
50500	Social Security & Medicare	\$33,000
50600	PERA Pensions	\$263,000
50700	Insurance Benefits	\$312,600
51000	Contracted Services	\$26,000
52100	Equipment Leases	\$54,500
52200	Repairs & Maintenance	\$56,350
52300	Utilities	\$62,680
52400	Janitorial & Cleaning	\$8,500
52500	Printing & Publishing	\$2,500
52800	Care of Persons	\$0
53000	Supplies	\$69,200
54000	Uniforms & Gear	\$15,000
54500	Training & Development	\$30,000
56000	Insurance	\$98,000
56100	Subscriptions & Memberships	\$3,000
57000	Special Projects	\$19,350
58000	Capital Outlay	\$72,000
59000	Undesignated Allocation	\$0
	TOTAL PROJECTED EXPENSES	\$2,824,630

SOUTH LAKE MINNETONKA POLICE DEPARTMENT
2019 OPERATING BUDGET
Projected Revenues

COORDINATING COMMITTEE RECOMMENDATION
 Wednesday - July 11, 2018

ITEM	CATEGORY	AMOUNT
40110	Court Overtime	\$7,000
40120	Excelsior Park and Dock Patrol	\$22,000
42100	State Police Officer Aid	\$105,000
42200	State Training Reimbursement	\$13,500
43100	Minnetonka School District	\$7,000
43200	Administrative Requests	\$5,000
43400	Special Policing Details	\$33,500
44000	Investment Income	\$4,000
46400	Forfeitures	\$1,000
46500	Grant Reimbursements	\$30,000
46600	Other Reimbursements	\$40,700
	TOTAL PROJECTED REVENUES	\$268,700
	Expenses in Excess of Revenues	\$2,555,930
	PROJECTED COST TO MEMBER CITIES	\$2,555,930

SOUTH LAKE MINNETONKA POLICE DEPARTMENT 2019 OPERATING BUDGET

COORDINATING COMMITTEE RECOMMENDATION

Wednesday - July 11, 2018

Projected Contributions from Member Cities - Year 2019

2019 Reallocation Formula (2017-2021)

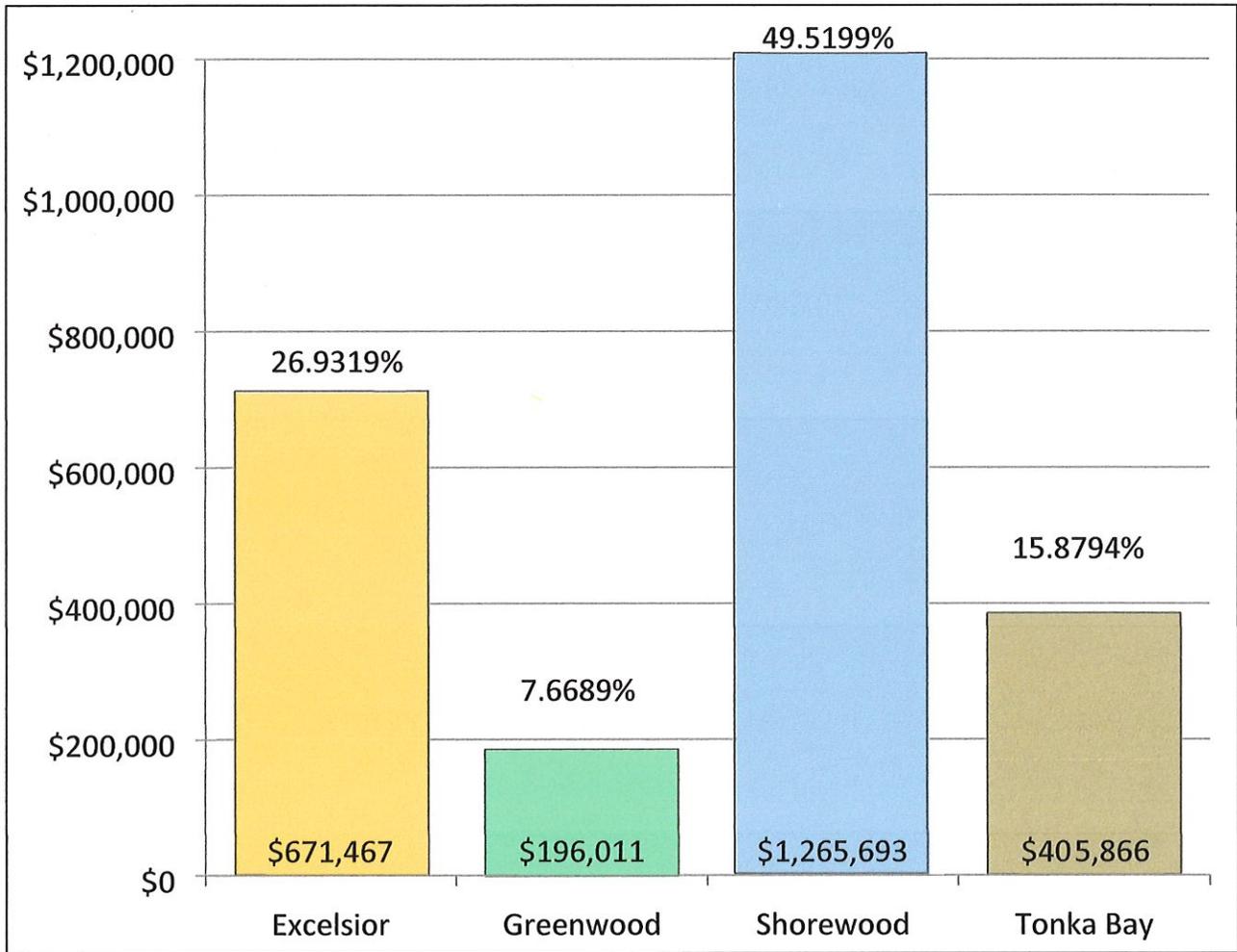
MEMBER CITY	TOTAL AMOUNT	% SHARE	\$ SHARE	\$INCREASE OVER 2018
Excelsior	\$2,555,930	26.9319%	\$688,360	\$16,893
Greenwood	\$2,555,930	7.6689%	\$196,011	\$4,810
Shorewood	\$2,555,930	49.5199%	\$1,265,693	\$31,060
Tonka Bay	\$2,555,930	15.8794%	\$405,866	\$9,961
2019 Total Contributions from Member Cities			\$2,555,930	
2018 Total Contributions from Member Cities			\$2,493,206	
<p>The funding formula used to determine each member city's percentage contribution toward the operating budget is based on an arbitration ruling in 2006. Every five years the funding formula is subject to an automatic adjustment based on the criteria set forth in this ruling. The 2017 operating budget was the second time since the ruling took effect that the funding formula was subject to adjustment. Barring an amendment to the JPA, the reset funding formula is not subject to change again until 2022.</p>				
Dollar Increase Over 2018			\$62,674	
Percentage Increase Over 2018			2.5%	

**SOUTH LAKE MINNETONKA POLICE DEPARTMENT
2019 OPERATING BUDGET**

**COORDINATING COMMITTEE RECOMMENDATION
Wednesday - July 11, 2018**



Proposed Contributions from Member Cities
Reallocation Formula (2017-2021)
Total Amount - \$2,555,930



SOUTH LAKE MINNETONKA POLICE DEPARTMENT
2018 OPERATING BUDGET

COORDINATING COMMITTEE RECOMMENDATION
 Wednesday - July 11, 2018

PENDING TRANSFERS TO SPECIAL FUNDS

Line Item	Operating Budget Expenses		Transfer Amount	Assigned Funds
	Category	Sub-Category		
52100	Equipment Leases	Communications Records Management	\$47,110	Technology
52200	Repairs & Maintenance	Building Maintenance	\$5,800	Firearms Range
56000	Insurance	N/A	\$98,000	Insurance
57000	Special Projects	Reserve Unit	\$0	Reserve Officer
58000	Capital Outlay	Vehicle	\$70,000	Vehicle
58000	Capital Outlay	Equipment	\$2,000	Equipment
		Total	\$222,910	

Prepared by Chief Mike Meehan - July 2018

**SOUTH LAKE MINNETONKA POLICE DEPARTMENT
PUBLIC SAFETY FACILITY - POLICE PORTION**

2019 DEBT SERVICE AMOUNTS

Amount Due to the Shorewood Economic Development Authority (EDA) - \$404,300

Member City	Tax Capacity	Percentage	Share of Cost
Excelsior	\$6,096,255	17.1847%	\$69,477
Greenwood	\$4,037,551	11.3814%	\$46,016
Shorewood	\$18,711,966	52.7470%	\$213,256
Tonka Bay	\$6,629,162	18.6869%	\$75,551
TOTAL	\$35,474,934	100.0000%	\$404,300

NOTATIONS
(1) 2018 Tax Capacity Figures - Hennepin County Assessor's Office <i>(Data Run: July 10th, 2017)</i>
(2) Percentages Rounded Based Upon Tax Capacity <i>(Ad Valorem)</i> Formula
(3) Total Debt Service Costs Validated with the Shorewood EDA <i>(Includes Anticipated Fiscal Agent Fees)</i>

Facility Debt Obligation Independent of the SLMPD Operating Budget



Agenda Number: **4B**

Agenda Date: **08-01-18**

Prepared by Deb Kind

Agenda Item: 2019 Excelsior Fire District Budget

Summary: Excelsior Fire District Chief Scott Gerber will attend the 08-01-18 council meeting to answer questions regarding the EFD's proposed 2019 budget (see attached files). The budget calls for an overall 3.96% increase in contributions from the cities. However, since EFD contributions are based solely on tax capacity and Greenwood's property values increased less than some of the other EFD cities, the proposed budget means that Greenwood will have an overall 3.61% increase (6.68% increase in operations and a -0.39% increase for facilities / capital costs). The budget uses the latest tax capacity numbers posted on the county website. Note: The tax capacity number for Shorewood is lower than the amount shown on the county website, because it does not include the tax capacity for the properties located on the islands served by Mound FD.

	2017 Budget	2018 Budget	% Change
Fire Protection - Operations	79,930	85,268	6.68%
Fire Side Lease - Facilities	61,405	61,166	-0.39%
	141,335	146,434	3.61%

Council Action: Each city council in the EFD must take action on the budget. 3 of 5 cities must approve the operating budget. 4 of 5 cities must approve the facilities / capital budget. Potential motions ...

1. I move the Greenwood city council approves the final recommended draft of the 2019 Excelsior Fire District operating budget and facilities / capital budget as presented.
2. Other motion ???



2019
2nd DRAFT
Requested

**CIP and Operating
Budget**

May 24, 2018



Excelsior Fire District

Proudly serving the Communities of:

Deephaven-Excelsior-Greenwood-Shorewood-Tonka Bay

24100 Smithtown Road
Shorewood, MN. 55331

2nd DRAFT Requested 2019 Budget Footnotes May 24, 2018

• Requested 2019 Budget Footnotes

The following footnotes help to identify significant changes for 2019 as proposed in the budget.

- **Staffing – staffing is a main impact area for budget increases in 2019.**
 - Maintain Full-time staffing.
 - Fire Chief
 - Fire Marshal
 - Administrative Specialist - Shared Services with the City of Chanhassen
 - Begin set-aside for Full Time Firefighters
 - Maintain Part-time Staffing as currently operating
 - Part-time Fire Inspector (Special Events focused)
 - Paid on Call Staffing
 - Retain and Recruit to staff at maximum of 50 firefighters
 - Maintain the utilization of the Duty Officer
 - Chief Officers, and select firefighters are operate this position on a 24 hour a day basis to cover the Fire District.
 - Increase the daily coverage rate from \$75/day to \$85/day in order to help offset the costs of these selected people staying available in the Fire District for this period of time.
 - Maintain Duty Crew at 18 hours per week
 - **Add \$26,200 for staffing the stations at night beginning July, 2019**
 - **Staff in station Duty Crew overnights Monday – Friday nights**
 - **Provide On-Call Stipend of \$50 per person / \$200 night for night station coverage**
 - **Add \$10,000 for Exceptional Service Award**
 - **Provide \$500 for any firefighter with 800 or more response points**
 - **Provide \$500 for any firefighter with 48 or more duty crew shifts – not including required night time staffing**
- **Main Budget impacts for 2019**
 - Increase Health Insurance Costs to reflect projected increase (\$3,195)
 - Increase Worker's Compensation Costs to reflect LMC costs increases (\$1,300)
 - Increase Janitorial Services for additional facility care (\$1,000)
 - Replace final 8 portable radios that are at end of life operations (\$7,000)
 - This will be per year for 7 years total
 - Maintain purchasing 5 sets of Turnout Gear replacement (\$1,000)
 - Maintain computer replacement plan at 2 computers

- Maintain Audit specific line item to correctly reflect and capture all EFD audit costs
- **Excelsior Fire District will continue to be Tax Exempt in 2019**
 - Continue to determine actual line item impacts.
- **Building Improvement Fund**
 - Maintain the specific Building Improvement Fund to allow for adequate funding mechanisms for the building improvement projects
 - A \$24,000 transfer will be placed in this Fund in 2019.
 - Remodel of stations for effective sleep rooms at both fire stations utilizing grants funds, unreserved fund balance and budget dollars.
 - Building improvement / maintenance projects are identified in the building improvement plan
 - Annual maintenance items are found in the annual operating budget.
- **Capital Equipment Fund**
 - **Change contribution to \$180,000 as requested to phase in increase to manage CIP change over time rather than one large increase.**
 - Purchase new Chief Truck – replacing 2008 command truck (Current Fire Marshal/Inspector Truck). Rotate other vehicles.
 - Purchase new Light Rescue Truck – replace Rescue 12
 - Purchase new LUCAS CPR device to replace Auto-Pulse Device
 - Updated replacement time periods for Rescue 21, Rescue 11, Engine 22, Engine 21, and Ladder 11
 - Update plan to include replacement of SCBA Compressor at station 1 in 2021



Excelsior Fire District

Proudly serving the Communities of:

Deephaven-Excelsior-Greenwood-Shorewood-Tonka Bay

24100 Smithtown Road

Shorewood, MN. 55331

2nd DRAFT Requested 2019 Budget

May 24, 2018

• Staffing Costs

○ **Staffing – staffing is a main impact area for budget increases in 2019.**

- Maintain Full-time staffing.
 - Fire Chief
 - Fire Marshal
 - Administrative Specialist - Shared Services with the City of Chanhassen
 - Begin set-aside for Full Time Firefighters
- Maintain Part-time Staffing as currently operating
 - Part-time Fire Inspector (Special Events focused)
- Paid on Call Staffing
 - Retain and Recruit to staff at maximum of 50 firefighters
 - Current Staffing 38
- Maintain the utilization of the Duty Officer
 - Chief Officers, and select firefighters are operate this position on a 24 hour a day basis to cover the Fire District.
 - Increase the daily coverage rate from \$75/day to \$85/day in order to help offset the costs of these selected people staying available in the Fire District for this period of time.
- Maintain Duty Crew at 18 hours per week
- Add \$26,200 for staffing the stations at night beginning July, 2019
 - Staffing Monday – Friday night
 - Provide On-Call Stipend of \$50 per person / \$200 night for night station coverage
If 365 days a year
If each firefighter is paid \$13/hr – total cost for program is \$ 151,840
\$416 / night

If \$50 on call stipend for full year – total cost for program is \$ 73,000
Difference \$ 78,840
- **Future Planning**
 - **Consider offering some type of IRA for firefighters to roll money into**
 - **Consider offering health care and other optional benefit plans in the future for firefighters to participate.**

Excelsior Fire District

2nd DRAFT Requested - May, 2018

Budget FY 2019
Comparison with Previous Years

Account Code	Object Description	2014 Actual Amount	2015 Actual Amount	2016 Actual Budget	2017 Actual Budget	2018 Approved Budget	2019 Requested Budget	2019 Requested Dollar increase	Percent Change From 18 Adopted
Fund 230	FIRE OPERATING FUND								
Dep't 42200	Fire Operations								
Personal Services									
230-42200-101	Employees Regular	152,571	161,269	214,302	215,143	218,491	223,992	5,501	2.52%
230-42200-103	Part-Time Employees	16,886	22,328	6,614	5,431	5,846	5,846	-	0.00%
230-42200-106	Firefighter's Salaries	146,346	182,741	182,640	188,337	245,834	282,167	36,333	14.78%
230-42200-107	Fire Officer's Salaries	33,976	35,400	34,807	36,241	38,222	39,990	1,768	4.63%
230-42200-121	PERA	24,207	27,323	30,489	31,567	31,887	32,602	715	2.24%
230-42200-122	FICA/MC	17,578	19,711	22,650	23,133	28,159	29,106	947	3.36%
230-42200-129	State Aid	-	-	143,743	147,183	-	-	-	-
230-42200-131	Employer Paid Health	25,538	27,460	41,463	32,046	40,305	43,500	3,195	7.93%
230-42200-133	Employer Paid Life Insuranc	23	12	18	18	18	18	-	0.00%
230-42200-151	Worker's Comp Insurance	22,276	22,571	25,799	27,538	28,000	29,300	1,300	4.64%
	Total Personal Services	439,401	498,815	702,525	706,637	636,762	686,521	49,759	7.81%
Pension									
230-42200-170	Firefighter Pension Contribu	-	-	-	-	-	-	-	-
Supplies									
230-42200-200	Office Supplies	4,112	2,832	2,703	3,486	3,800	3,800	-	0.00%
230-42200-212	Motor Fuels	13,758	9,567	9,405	11,667	13,000	12,500	(500)	-3.85%
230-42200-217	Clothing	24,906	34,090	22,775	40,322	28,750	29,750	1,000	3.48%
230-42200-220	Repair/Maint. Supplies	7,717	11,864	8,956	6,502	6,120	6,620	500	8.17%
230-42200-221	First Aid Supplies	6,397	2,878	4,363	4,662	2,340	2,500	160	6.84%
230-42200-222	Firefighting Supplies	19,018	14,852	13,693	17,904	10,900	10,900	-	0.00%
230-42200-241	Fire Prevention Tools	4,141	11,829	7,581	5,995	4,300	4,300	-	0.00%
	Total Supplies	80,049	87,912	69,476	90,538	69,210	70,370	1,160	1.68%
Professional Services									
230-42200-304	Legal	603	-	-	5	3,000	3,000	-	0.00%
230-42200-307	Fiscal Management Fees	16,000	16,480	16,975	18,000	18,540	19,096	556	3.00%
230-42200-311	Auditing	10,035	11,785	12,675	12,955	15,025	15,025	-	0.00%
230-42200-312	Refuse & Recycling Collecti	955	224	668	821	1,800	1,200	(600)	-33.33%
230-42200-313	Janitorial Services	7,779	7,387	8,578	10,760	7,000	8,000	1,000	14.29%
230-42200-318	Medical Fees	6,481	9,158	11,337	6,057	7,000	7,000	-	0.00%
230-42200-319	Professional Services	22,317	52,510	26,407	27,260	30,845	30,845	-	0.00%
	Total Professional Services	64,170	97,544	76,640	75,858	83,210	84,166	956	1.15%
Other Services and Charges									
230-42200-321	Telephone/Communications	27,791	25,970	26,657	29,879	26,100	26,600	500	1.92%
230-42200-322	Postage	219	301	205	23	500	500	-	0.00%
230-42200-323	Radio Units	31,311	22,333	25,707	34,771	34,260	41,260	7,000	20.43%
230-42200-331	Conferences	5,544	6,126	4,477	4,130	4,850	4,850	-	0.00%
230-42200-332	Mileage	118	-	-	89	200	200	-	0.00%
230-42200-333	Meeting Expenses	3,624	3,845	3,937	3,296	4,000	4,000	-	0.00%
230-42200-334	Training & Schools	23,765	25,533	20,883	22,167	26,800	27,000	200	0.75%
230-42200-350	Printing & Publishing	701	1,112	892	1,607	1,100	1,375	275	25.00%
230-42200-360	Insurance	26,277	23,942	20,872	8,000	25,000	21,000	(4,000)	-16.00%
230-42200-381	Electric Utilities	32,097	33,582	33,418	33,378	33,400	33,500	100	0.30%
230-42200-383	Gas Utilities	15,409	10,604	7,821	8,621	13,000	10,000	(3,000)	-23.08%
230-42200-386	Water and Sewer Utilities	864	1,254	1,038	740	1,100	1,100	-	0.00%
230-42200-401	Repairs & Maint. Contractec	43,161	37,185	30,963	27,351	28,250	28,250	-	0.00%
230-42200-404	Repairs/Maint. Machinery/E	24,539	20,517	32,765	28,332	25,650	25,650	-	0.00%
230-42200-405	Fire Equipment Maintenanc	13,689	9,068	12,857	12,525	18,985	19,450	465	2.45%
230-42200-430	Misc Expenses (Bank)	1,186	1,434	1,025	766	1,220	1,220	-	0.00%
230-42200-433	Dues and Subscriptions	3,620	3,225	3,119	2,129	3,184	3,184	-	0.00%
230-42200-439	Contingency	-	-	-	-	-	-	-	-
	Total Other Services	253,915	226,031	226,636	217,804	247,599	249,139	1,540	0.62%
	Total Operating Budget	837,535	910,302	1,075,277	1,090,837	1,036,781	1,090,196	53,415	5.15%
Capital Outlay									
230-42200-720	Building Fund Transfer	-	30,000	-	45,642	-	-	-	-
230-42200-720	Fire Relief Fund Transfer	-	30,000	5,000	-	-	-	-	-
230-42200-720	Fund Balance/ Reserve	-	-	-	-	-	-	-	-
	Building Imp Fund Transfer						24,000		
230-42200-720	Capital Equip Transfer	175,000	170,000	170,000	170,000	170,000	180,000	10,000	5.88%
230-42200-720	Fire Facilities Transfer	548,460	547,091	549,098	527,250	532,800	538,050	5,250	0.99%
	Total Capital Outlay	723,460	777,091	724,098	742,892	702,800	742,050	39,250	5.58%
	Totals Fund 230 Fire Operating	1,560,995	1,687,393	1,799,375	1,833,729	1,739,581	1,832,246	92,665	5.33%

Operating Revenue		2014 Actual Amount	2015 Actual Amount	2016 Actual Budget	2017 Actual Budget	2018 Approved Budget	2019 Requested Budget
34202	Municipal Contribution	1,568,508	1,560,827	1,635,079	1,642,870	1,708,762	1,776,498
	Shared Services Income	-	-	31,696	34,048	34,319	35,248
36210	Interest Income	1,124	2,432	1,227	2,049	2,000	2,000
36228	Refunds and Reimburseme	11,132	19,703	15,360	38,328	14,000	14,000
36230	Donations / Other Income	550	-	143,868	147,183	-	-
39203	Special Events	-	-	8,915	6,045	4,500	4,500
39203	Fund Transfers	-	-	-	-	-	-
	Total Revenue	<u>1,581,314</u>	<u>1,582,962</u>	<u>1,836,145</u>	<u>1,870,523</u>	<u>1,763,581</u>	<u>1,832,246</u>
	Balance	<u>20,319</u>	<u>(104,431)</u>	<u>36,770</u>	<u>36,794</u>		<u>-</u>
	Balance, January 1st	<u>368,503</u>	<u>388,822</u>	<u>284,391</u>	<u>321,161</u>	<u>357,955</u>	<u>357,955</u>
	Balance, December 31st	<u>388,822</u>	<u>284,391</u>	<u>321,161</u>	<u>357,955</u>	<u>357,955</u>	<u>357,955</u>
	Fund Balance %	<u>42.7</u>	<u>26.4</u>	<u>29.4</u>	<u>34.5</u>	<u>32.8</u>	

(2018 vs. 2019 Contribution) = 1,708,762 1,776,498 3.96%

City Contribution Increase from 2018 67,736

EXCELSIOR FIRE DISTRICT
2019 2nd DRAFT Requested Operating Budget
 May 24, 2018

CATEGORY

PERSONAL SERVICES

	Detail Item Amount		Line Item Total	Category Total
101 Employees Regular (Full-time)			223,992	
Fire Chief	114,165	2.00%		
Fire Marshal	62,424	2.00%		
Administrative Specialist	47,403	4.50%		
Full time Excelsior Fire (Contract to City of Chanhassen for 20 hours per week)				
50% cost share	EFD Cost (\$23,702)			
22.79/hr x 40 hours per week				
103 Part Time employees				
PT Fire Inspector (May to October)	5,846		5,846	
21.65/hr x 10 hours per week		27 weeks		
106 Firefighters Salaries			282,167	
Station 1 Call Pay				
\$13.00 x 370 x 15 x 1 hr	72,150	2.00%		
Station 2 Call Pay				
\$13.00 x 180 x 10 x 1 hr	23,400	2.00%		
All Call Pay				
\$13.00 x 50 x 20 x 1.5 hrs	19,500	2.00%		
Station 1 Drill Pay				
\$26.00 x 50 x 25	32,500	2.00%		
Station 2 Drill Pay				
\$26.00 x 50 x 12	15,600	2.00%		
Duty Officer Pay				
\$85 per day x 365	31,025	5.00%		
\$26.00 per call x 120	3,120			
Duty Crew Pay				
\$13.00 x 4 x 18 x 52	48,672			
Night Time Duty Crew Staffing				
\$200 per day x 183	26,200			
Exceptional Service Award	10,000			
107 Fire Officer's Salaries			39,990	
Assistant Chief	5,483	2.00%		
Battalion Chiefs (2)	9,251	2.00%		
Captains (5)	14,000	2.00%		
Apparatus Coordinator	2,247	2.00%		
Coordinators (8)	9,009	2.00%		
121 PERA			32,602	
Chief	18,495			
Fire Marshal	10,113			
Administrative Specialist	3,555			
Part-time Fire Inspector	439			
122 FICA			21,514	
Firefighters	15,734			
PT Fire Inspector	362			
Administrative Specialist	2,939			
Fire Officers (10)	2,479			
123 Medicare			7,592	
Chief	1,655			
Fire Marshal	905			
PT Fire Inspector	85			
Firefighters	3,680			
Fire Officers (10)	580			
Administrative Specialist	687			
131 Health Insurance			43,500	
Chief	17,527	15%		
Fire Marshal	15,245	15%		
Administrative Specialist	8,883	15%		
Dental Insurance	1,845			
Fire Marshal, Admin Specialist				
133 Life Insurance			18	
Chief	6			
Fire Marshal	6			
Administrative Special	6			
151 Workers Compensation			29,300	
TOTAL PERSONAL SERVICES				686,521

CATEGORY

PENSION

	Detail Item Amount		Line Item Total	Category Total
Firefighter Pension Contribution	-		-	-
	Note: None required for 2019			

CATEGORY						
OTHER SERVICES AND CHARGES						
		Detail Item Amount		Line Item Total	Category Total	
321	Communications			26,600		
	Telephone	15,100				
	Cell Phones	4,350				
	Pagers (4 @ 475)	1,900				
	Pager Repair	1,700				
	Internet	1,450				
	MDC Air Cards	800				
	IPAD Connectivity	1,300				
322	Postage			500		
323	Radio Units			41,260		
	Hennepin County Radio Lease	39,760	(Repalce 8 portables - Lease Program)			
	Hennepin County Radio Repair	500				
	MDC Maintenance	1,000				
331	Conferences			4,850		
	Mn Fire Dept. Conference					
	Mn Fire Chief's Conference	1,200				
	I Chiefs Conference					
	Fire Department Instr. Conf.	3,000				
	Emergency Mgnt Conf.	400				
	Fire Inspectors Conference	250				
332	Mileage and Travel			200		
333	Meeting Expenses			4,000		
334	Training Expenses			27,000		
	Training Tower / Simulator	2,500				
	EMT (4 @ 1700)	6,800				
	EMT Refresher	5,500				
	FFI	2,000	(No longer fully funded by MBFTE Funds)			
	FFII	1,200				
	Haz-Mat Ops	2,000				
	Vo-Tech Schools	1,500				
	State Sectional Schools	-				
	Boat Training	300				
	Bloodborne/Right To Know	100				
	Training Aids	600				
	Support Staff training	300				
	Fire Chief Training	300				
	Fire Inspector Training	700				
	Blue Card ICS Training	2,700				
	Training Equipment	500				
350	Printing And Publishing			1,375		
	Call Sheets	700				
	Film & Developing	100				
	Stationary	350				
	Printer cartridges	225				
	Other Printing					
360	Insurance			21,000		
381	Electric Utilities			33,500		
383	Gas Utilities			10,000		
386	Water and Sewer Utilities			1,100		
401	Building Repair			28,250		
	Annual Maintenance	21,100				
	Sprinkler Alarm Inspection / Testing (Contractor Eval)	5,300				
	Elevator Inspection	1,850				
404	Repair And Maintenance Of Apparatus			25,650		
	Truck Repair	14,880				
	Pump Testing	1,720				
	Service	5,500				
	Major Repairs	2,700				
	Supplies	850				

CATEGORY						
OTHER SERVICES AND CHARGES (Cont.)						
		Detail Item Amount		Line Item Total		Category Total
405	Fire Equipment Maintenance			19,450		
	Compressor Service	1,500				
	Air	475				
	Gas Powered Equipment	500				
	SCBA Service	5,425				
	31 packs @\$175/per pack					
	Fit Testing					
	SCBA Flow Testing					
	SCBA Hydro Testing	2,000				
	SCBA Maintenance	1,000				
	Ladder Testing	2,000				
	Hose Testing	4,900				
	Air Monitor	850				
	Air Monitor Calibration	300				
	Maint. Agreement Fitness Room	500				
430	Misc Expenses			1,220		
	Bank Expenses	500				
	Payroll Direct Deposit Fees	720				
433	Dues And Subscriptions			3,184		
	Nat. Volunteer Fire Council	30				
	IAFC/INT Assoc Of Fire Chiefs	210				
	Int Assn Of Arson Investigators	50				
	NAFI	40				
	Mn State Fire Chiefs Assoc	130				
	ACFEI	130				
	MSFDA	355				
	Fire Marshals Assoc Of Mn (2)	70				
	NFPA					
	ACS Firehouse Solutions	730				
	Hennepin County Fire Chiefs	20				
	Hennepin County Fire Chiefs (FIT)	500				
	United Firefighters Assoc	30				
	Firehouse Magazine	30				
	Smoke Eater (22)	160				
	Lake Region Mutual Aid	75				
	Southwest Mutual Aid	100				
	Metro Fire Chiefs	100				
	Fire Chiefs	74				
	Vol FF Benefit Association	350				
439	Contingency					
440	Fund Balance / Reserve					
TOTAL OTHER SERVICES AND CHARGES					249,139	
<u>TOTAL OPERATING BUDGET</u>					<u>1,090,196</u>	
CAPITAL OUTLAY						
560	Furniture And Equipment					
570	Office Equipment					
TOTAL CAPITAL OUTLAY						
CAPITAL TRANSFERS						
	Equipment Transfers			180,000		
	Building Improvement Fund Transfers			24,000		
	720 Facilities Transfers			538,050		
	* The Bond payment was increased from the 2018 amount of \$532,800 to \$538,050 in 2019.					
TOTAL CAPITAL TRANSFERS					742,050	
<u>TOTAL CAPITAL</u>					<u>742,050</u>	
<u>TOTAL BUDGET AMOUNT</u>					<u>1,832,246</u>	
OPERATING REVENUE						
230-34202	Municipal Contribution			1,776,498		
230-34203	Shared Services - City of Chanhassen			35,248		
230-36210	Interest income			2,000		
230-36228	Refunds and Reimbursements			14,000		
230-39203	Fire Relief Fund Transfer			-		
	Special Events			4,500		
TOTAL OPERATING REVENUES					1,832,246	

***2019 Shared Services
Administrative Specialist
2nd DRAFT Requested Budget
May, 2018***

- a. Job Share with City of Chanhassen
- b. Administrative Specialist
 - i. Full Time Position with the Excelsior Fire District
 - ii. No Change in Hours for the Excelsior Fire District
 - 1. 20 Hours Per Week for Excelsior Fire
 - iii. Salary and Benefits thru the Excelsior Fire District
 - 1. 50% cost recovery from the City of Chanhassen
 - iv. Shared Services Agreement with the City of Chanhassen
 - v. Job Duties as defined in position description
- c. Cost Considerations – Full Time
 - i. Salary \$ 47,403
 - ii. Benefits \$ 16,993
 - 1. PERA – 3555
 - 2. FICA – 2939
 - 3. Medicare – 687
 - 4. Insurance
 - a. Health – 8,883
 - b. Dental – 923
 - c. Life - 6
 - iii. Work Comp / Liability \$ 6,100

\$ 70,496

TOTAL COST \$ 70,496

Excelsior Fire \$ 35,248

City of Chanhassen \$ 35,248

EFD Projected POC Firefighter Staffing Costs for 2019

2nd DRAFT Requested Budget

May, 2018

2019 Staffing Costs - Alternatives						
	Pay rate	Calls	Number of Firefighters	Call Time	Total	
Station 1 call Pay	13	370	15	1	\$	72,150
Station 2 Call Pay	13	180	10	1	\$	23,400
All Call pay	13	50	20	1.5	\$	19,500
Duty Officer Pay	13	120	1	2	\$	3,120
Daily Coverage Pay	85			365	\$	31,025
Station 1 Training Pay	13	50	25	2	\$	32,500
Station 2 Training Pay	13	50	12	2	\$	15,600
Duty Crew					\$	197,295
18 hours per week Coverage/ Call Pay	13	4	52	18	\$	48,672
Night Coverage Stipend 2019	\$50 per night	4			\$	48,672
Begin July 1 - 1/2 year (Monday - Friday)	\$500 for any ff		131		\$	26,200
Exceptional Service Award	Any ff with 800 or more response points Any ff with 48 or more duty crew shifts		20		\$	10,000
Total increase from initial budget request			Total Payroll		\$	282,167
					\$	28,400

***Building Maintenance
2019 Major Project Summary
2nd DRAFT Requested Budget
May, 2018***

Station 1

Carpet Replacement (Year 2 of 4)	\$ 8,908
Appliances (Kitchen and Wash Room)	\$ 1,500
Phone System Replacement (Year 1 of 2)	\$ 7,500
Landscaping maintenance	\$ 2,000
Station Remodel – Sleeping Rooms	\$ 100,000

Station 2

Carpet Replacement (Year 2 of 4)	\$ 3,000
Appliances (Kitchen and Wash Room)	\$ 5,500
Phone System Replacement (Year 1 of 2)	\$ 2,000
Station Remodel – Sleeping Rooms	\$ 100,000

***2019 Computer Cost projections
2nd DRAFT Requested Budget
May, 2018***

- a. Computer Services –The costs included in this area include the following:
- i. Computers
 - Virus Protection \$400
 - Station 2 internet speed \$1000
 - Exchange filtering \$900
 - Office 2013 \$600
 - ii. Disaster Recovery Costs \$500
 - iii. Laptop Computers for Trucks
 - Maintenance of computers (3) \$2,000
 - iv. Computer Replacement (2) \$2,145
 - v. Monitor Replacement (2) \$600
 - vi. Aladtec Scheduling Software \$3,000
 - vii. IPAD Maintenance \$1,500
 - viii. Firehouse Support \$1,800
 - ix. Copiers \$2,400
 - Ongoing lease for copier at Station 1 in the administrative area. This is the annual cost of a four year lease including the service and supply contract.
 - x. Computer Consultant \$8,500
 - Monthly technology/networking consulting costs
 - xi. Website Consultant \$1,000
 - Monthly technology/networking consulting costs

Total technology costs for 2019 \$26,345

Excelsior Fire District 2nd DRAFT Requested Budget 2019

Allocation by City using Joint Powers Agreement funding formula for 2019

\$1,034,448 Operating
\$742,050 Building

<u>Tax Capacity Payable 2018</u>		<u>Sum of all</u>		<u>Cities' Calculated</u>	
		<u>Factors</u>			<u>Share of Cost</u>
Dollars	Percent	Per JPA	<u>Operations</u>	<u>Facilities</u>	<u>Total</u>
Deephaven	\$14,242,914	29.08%	\$300,794	\$215,771	\$516,565
Excelsior	\$6,096,255	12.45%	\$128,746	\$92,354	\$221,100
Greenwood	\$4,037,551	8.24%	\$85,268	\$61,166	\$146,435
Shorewood**	\$17,976,318	36.70%	\$379,639	\$272,330	\$651,969
Tonka Bay	\$6,629,162	13.53%	\$140,000	\$100,428	\$240,428
	<u>\$48,982,200</u>	<u>100%</u>	<u>\$1,034,448</u>	<u>\$742,050</u>	<u>\$1,776,498</u>

(Using 2018 Hennepin County Assessors' valuations as of April 20, 2018)
xx -- Total 2018 Tax Capacity less reduction for The Islands served by the Mound FD.

Quarterly Billings

	<u>Operations</u>	<u>Buildings</u>	<u>Total</u>
Deephaven	\$ 75,198.51	\$ 53,942.83	\$ 129,141.34
Excelsior	\$ 32,186.48	\$ 23,088.62	\$ 55,275.10
Greenwood	\$ 21,317.11	\$ 15,291.60	\$ 36,608.71
Shorewood**	\$ 94,909.82	\$ 68,082.52	\$ 162,992.34
Tonka Bay	\$ 35,000.08	\$ 25,106.92	\$ 60,107.00
			\$ 444,124.50

2019
2nd DRAFT Requested Budget
Contribution with 2019 JPA Formula
Summary of Percentage Increase by City

2019 Formula							
2019 Operating Budget and \$180,000 Capital Transfer							
City	2017 Contribution	2018 Contribution	Increase	% Increase from 2017	2019 Proposed	Increase	% Increase from 2018
Deephaven	\$ 488,979.00	\$ 503,390.00	\$ 14,411.00	2.95%	\$ 516,565.00	\$ 13,175.00	2.62%
Excelsior	\$ 195,341.00	\$ 206,681.00	\$ 11,340.00	5.81%	\$ 221,100.00	\$ 14,419.00	6.98%
Greenwood	\$ 129,776.00	\$ 141,335.00	\$ 11,559.00	8.91%	\$ 146,436.00	\$ 5,101.00	3.61%
Shorewood	\$ 604,624.00	\$ 625,953.00	\$ 21,329.00	3.53%	\$ 651,969.00	\$ 26,016.00	4.16%
Tonka Bay	\$ 223,898.00	\$ 231,402.00	\$ 7,504.00	3.35%	\$ 240,428.00	\$ 9,026.00	3.90%
Total Contribution	\$ 1,642,618.00	\$ 1,708,761.00	\$ 66,143.00	4.03%	\$ 1,776,498.00	\$ 67,737.00	3.96%
Tax Capacity Information							
City	2017 Values	2018 Values	\$ Change	% Change from 2017			
Deephaven	\$1,199,300,300	\$1,255,612,600	\$56,312,300	4.70%			
Excelsior	\$442,760,300	\$483,668,400	\$40,908,100	9.24%			
Greenwood	\$328,243,500	\$346,954,100	\$18,710,600	5.70%			
Shorewood	\$1,535,344,100	\$1,630,958,000	\$95,613,900	6.23%			
Tonka Bay	\$548,689,300	\$581,259,700	\$32,570,400	5.94%			
Totals	\$4,054,337,500	\$4,298,452,800	\$244,115,300	6.02%			
City	2015 Values	2016 Values	\$ Change	% Change from 2015			
Deephaven	\$1,041,027,400	\$1,148,951,300	\$107,923,900	10.37%			
Excelsior	\$377,139,600	\$415,153,600	\$38,014,000	10.08%			
Greenwood	\$288,673,400	\$299,570,900	\$10,897,500	3.78%			
Shorewood	\$1,408,894,800	\$1,464,249,100	\$55,354,300	3.93%			
Tonka Bay	\$516,966,900	\$523,815,200	\$6,848,300	1.32%			
Totals	\$3,632,702,100	\$3,851,740,100	\$219,038,000	6.03%			



Agenda Number: **7A**

Agenda Date: **08-01-18**

Prepared by Dale Cooney

Agenda Item: Consider: Res 20-18, Findings for Variance Request, Julie and Gregg Getchell, 5185 Greenwood Circle.

Summary: Copies of the application materials and staff report are attached reference. Notice of the public hearing was published in the Sun-Sailor newspaper on 06-28-18. The planning commission held a public hearing at their 07-11-18, meeting. The planning commission considered public comment, applicant's comments, application materials, and staff reports when making their recommendation (see planning commission action below). The city council **must** incorporate city code section 1155.10 variance criteria as well as any conditions in the motion.

Planning Commission Action: Motion by Gallagher to recommend approval of the request as proposed based on the recommendation and findings of staff. Motion was seconded by Conrad. Motion carried 3-0.

Key Dates:

Application complete:	June 13, 2018
Notice of Public Hearing published:	June 28, 2018
Planning Commission Public Hearing:	July 11, 2018
City Council Consideration:	August 1, 2018
60-Day Deadline:	August 12, 2018
120-Day Deadline:	October 11, 2018

Council Action: The city council must take action by 08-12-18 unless the council decides to exercise the city's option to take another 60 days to consider the request. Suggested motions ...

1. I move the city council adopts resolution 20-18 laying out the findings of fact **APPROVING** the variance requests of Julie and Gregg Getchell to encroach 5 feet, 4 inches into the east side yard setback, and to encroach 17 feet into the front yard setback for the proposed upper level addition for the property at 5185 Greenwood Circle, as proposed. I further move that the council directs the city clerk to mail a copy of the findings to the applicant and the DNR, and place an Affidavit of Mailing for each of the mailings in the property file.
2. I move the city council directs staff to draft **FINDINGS FOR DENIAL** for the variance requests of Julie and Gregg Getchell, 5185 Greenwood Circle, to be considered at the September 5, 2018 city council meeting. I further move the city council directs city staff to exercise the city's option to take 60 additional days to process the variance application by mailing written notice and placing an Affidavit of Mailing in the property file.
3. I move the city council directs city staff to exercise the city's option to take 60 additional days to process the variance application of Julie and Gregg Getchell, 5185 Greenwood Circle, by mailing written notice and placing an Affidavit of Mailing in the property file. The written notice shall state the reason for the extension is: _____.

Note: MN statute 15.99 requires a council decision within 60 days. The council may approve or modify a request based on verbal findings of fact and the applicant may proceed with their project. However, if the council denies the request, the council must state in writing the reasons for denial at the time that it denies the request. The council may extend the 60-day time limit by providing written notice to the applicant including the reason for the extension and its anticipated length (may not exceed 60 additional days unless approved by the applicant in writing).



Agenda Item: Consider variance request of Julie and Gregg Getchell encroach into the east and front setbacks in order to build an upper level addition to their nonconforming house at 5185 Greenwood Circle.

Summary: Julie and Gregg Getchell, property owners at 5185 Greenwood Circle, are requesting variances to build an upper level house addition that would encroach into the east and front yard setbacks. The addition would be a 175 square foot dormer addition which is intended to be used as a bedroom. The current footprint of the house is nonconforming and was granted a number of variances by the city in 2012 (see attached).

Setbacks:

Section 1120.15 of the Greenwood Zoning Code requires a side yard setback of 15 feet and a front yard setback of 30 feet. Applicants are proposing a side yard setback of 9 feet, 8 inches and a front yard setback of 13 feet, **and are seeking variances of 5 feet, 4 inches from the minimum side yard setback and 17 feet from the minimum front yard setback.** The legal nonconforming house, approved in 2012, sits 6 feet off of the east property line and 4 feet off of the front property line. The proposed upper level addition is set further back than the previously approved setbacks: the east side by an additional 3 feet, 8 inches and the front by an additional 9 feet.

The proposed addition would be a bedroom. The upper level of the house currently contains only one bedroom, with an additional bedroom and office area (which could also be used as a bedroom) on the lower level.

As noted by the number of variances granted in 2012, the property is challenging. The proposed addition is a modest expansion of existing conditions that is thoughtfully integrated into the existing house footprint. The addition is set back further than both the existing front and side encroachments. A second upper-level bedroom is a reasonable request, and the property is clearly constrained in how to meet those ends without a variance. For those reasons, staff is supportive of the request.

Building Volume: The allowable building volume for the property is 38,868 cubic feet, and the applicants are proposing a building volume of 36,503 cubic feet, which meets city zoning code requirements. The 2012 resolution approving the house states that a building volume variance was granted, however, the maximum allowable volume for this property has increased since 2012 and both the existing and proposed building volumes are within the city's limitations.

Staff Recommendation for Variance Request:

Staff recommends approval of the requests of Julie and Gregg Getchell for variances to encroach 5 feet, 4 inches into the east side yard setback, and to encroach 17 feet into the front yard setback for the proposed upper level addition for the property at 5185 Greenwood Circle, as proposed.

Staff findings, based on the variance practical difficulty standards found in city code section 1155.10:

- a) The variance, if granted, will be in harmony and keeping with the spirit and intent of the zoning ordinance because the purpose of the ordinance is to provide a use zone for low-density single-family dwellings that will be exclusive of other types of use for the purpose of creating a quality semi-estate district. The proposed expansion is consistent with that purpose and is a modest, thoughtful expansion of existing conditions.
- b) The variance, if granted, will be consistent with the comprehensive plan which encourages, through reasonable accommodation, the maintenance and improvement of existing homes consistent with our variance procedures.
- c) Though the property owner's proposed *manner of use* of the property is not permitted by the zoning ordinance without a variance, the proposed *manner of use* is reasonable because: it maintains the single family nature of the property at a scope and scale consistent with the zoning standards. The location of the addition is reasonable based on the existing configuration of the house.

- d) The plight of the landowner-applicant is due to circumstances unique to the property and not created by the landowner because: the buildable area on the property is limited due to the property width and the overall size of the lot. Because the house is existing, there are few alternatives for expanding the house elsewhere that would not also trigger a variance.
- e) The variance, if granted, will not alter the essential character of the locality, because: the proposed expansion would remain consistent with the scope and scale of the surrounding properties.
- f) The variance, if granted, will not:
 - i. Impair an adequate supply of light and air to adjacent property;
 - ii. Unreasonably increase the congestion in the public street;
 - iii. Increase the danger of fire or endanger the public safety; or
 - iv. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this ordinance.

4/13



Variance Application

Person completing form: Property Owner Builder / Architect
 If you prefer to complete this form electronically, it is available at www.greenwoodmn.com.

Date application submitted	
Date application complete (office use only)	
Property address	5185 Greenwood Circle
Property identification number (PID)	26-117-23-42-0040
Property owner's current mailing address	5185 Greenwood Circle
Names of all property owners	Julie K Getchell & Gregg M Getchell
Cell phone and email of property owner(s)	612-309-2949
Name of builder / architect (if any)	Rehn Hassell
Company name of builder / architect	Rehn Hassell Architect, LLC
Cell phone and email of builder / architect	612-804-8968
Company address	905 North Fifth Street Minneapolis, MN 55401
Present use of property	Residence
Property acreage	0.1487144 = 6,478 SF
Existing variances or conditional use permits	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes – please attach a copy
Request is for	<input type="checkbox"/> New Construction <input checked="" type="checkbox"/> Addition <input type="checkbox"/> Remodel <input type="checkbox"/> Replace
The variance(s) are being requested to (e.g. build a garden shed)	2 nd Floor 175 SF 3 rd bedroom addition (12'-6" x 14'-0" Gross addition over (E) Structure for a 12' x 13' interior bedroom space. No change to (E) structure footprint nor change in hardcover %.

Requested variance(s):

	Required*	Proposed	Difference
<input checked="" type="checkbox"/> Side Yard (feet)	East 15'	East 9'-8"	5'-4"
<input checked="" type="checkbox"/> Front Yard (feet)	Street 30'	Street 13'	17'
<input type="checkbox"/> Rear Yard (feet)			
<input type="checkbox"/> Lake Setback (feet)			
<input type="checkbox"/> Building Height (feet)			
<input type="checkbox"/> Structure Height (feet)			
<input type="checkbox"/> Wetland Setback (feet)			
<input type="checkbox"/> Bluff Setback (feet)			
<input type="checkbox"/> Maximum Above Grade Building Volume (cubic feet)			
<input type="checkbox"/> Hardcover (percentage)			
<input type="checkbox"/> Other:			

* See page 2 of the CUP & Variance Checklist document for the requirements for various zoning districts.

Making your case for the grant of a variance

Per state law and city code section 1155 (view at city hall or at www.greenwoodmn.com) any persons may request variances from the literal provisions of the zoning ordinance, shoreland management district ordinance, wetland ordinance, and other applicable zoning regulations in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration. A variance shall only be permitted when it is in harmony with the purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. Economic considerations alone shall not constitute practical difficulties.

"Practical difficulties," as used in connection with the granting of a variance, means:

- (a) that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
- (b) the plight of the landowner is due to circumstances unique to the property and not created by the landowner;
- (c) and the variance, if granted, will not alter the essential character of the locality.

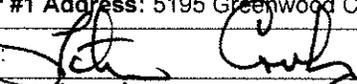
Establishing a "practical difficulty"

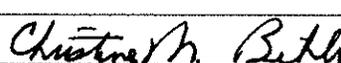
Please respond to each of the following questions. If you are unable to establish a "practical difficulty," please consider alternatives to your construction plans that may remove the need for a variance.

<p>Is the variance in harmony with the purposes and intent of the ordinance?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: The variance is in keeping with the intent of the ordinance. The structure is a residence and therefore in harmony with the zoning intentions of the ordinance. The practical difficulty of a 2 bedroom residence in this size home and the desire to have 3 bedrooms in this size of house is in harmony with the ordinance.</p>
<p>Is the variance consistent with the comprehensive plan?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: This house addition requiring these variances is consistent with the low-density single family dwellings exclusive of other types of use for the purpose of creating a quality semi-estate district. The granting of these variances is consistent with the spirit of the comprehensive plan by closely reflecting and integrating with, the existing neighborhood. The proposed addition to the house is a well integrated dormer extension to the roof and therefore has little change or impact with respect to the comprehensive plan.</p>
<p>Does the proposal put the property to use in a reasonable manner?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: The owner's living requirement of a modest-sized 3rd bedroom in a house of this quality, size and in this neighborhood, in our view, puts the property to use in a quite reasonable manner within a quality semi-estate district.</p>
<p>Are there unique circumstances to the property not created by the landowner?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: The lot is substantially substandard in every measurable category including minimum lot area lot length and lot width. The existing house, purchased by this owner inherited a 2 bedroom home that met the previous owner's requirements. The addition of a 3rd bedroom in a house of this size, quality and in this neighborhood, we argue, is not an unreasonable request and is a circumstance not created by the landowner.</p>
<p>Will the variance alter the essential character of the locality?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: Great care was taken in the initial design of this non-conforming structure to be as low as as possible at the street level and at the lake level in the context of the two neighboring structures. The proposed addition does not alter that physical reality in terms of height or proximity to the street or neighbors since the addition follows the existing roof lines and only increases, minimally the volume of the upper level and at a distance greater than all of the existing edges of the current structure.</p>
<p>Will the variance impair an adequate supply of light and air to adjacent property?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: The original structure was placed carefully to minimize the impact on light and air quality. The neighbor to the west should have no discernable impact due to the addition and its relation to the nearest existing roof of this house and therefore creates no new light or air access impairment. The adjacent property to the east is eastward to the Sun and is also elevated approximately 1 story above this property.</p>
<p>Will the variance unreasonably increase the congestion in the public street?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: The proposed addition and the associated variances to allow it, maintains the established location and patterns of the existing garage and driveway access to Greenwood Circle and therefore has no effect on the congestion in the public street. The addition is one story removed and 9 feet further from the street than the closest corner of the existing house structure.</p>
<p>Will the variance increase the danger of fire or endanger the public safety?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: The proposed variance will not increase the danger of fire or endanger the public safety. The addition has no effect on the access by 1st responders, safety officials or rescuers and has no impact on the public in relation to the existing structure. The addition will be designed, built and inspected following current building codes and ordinances in addition to these variances if so granted and therefore will not endanger the public safety to the reasonable limitations of these official requirements.</p>
<p>Will the variance unreasonably diminish or impair established property values within the neighborhood?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: The granting of these variances should have no reasonable diminishing effect or impairment to the established neighborhood property values. Potentially, the opposite effect of enhancing this and the neighboring property values is possible though not assured.</p>

Adjacent property owners' acknowledgement: It is not required by ordinance, but applicants are highly encouraged to review plans with adjacent property owners and secure signatures in this section. Attach another page if there are more than 2 adjacent neighbors.

The undersigned acknowledges that we have reviewed the plans for the proposed improvements or proposed use of the property listed on page 1 of this document. We understand that by signing this acknowledgement, that we NOT being asked to declare approval or disapproval of the proposal, but merely are confirming for the city council that we aware of the plans and that we understand that the proposed project requires city council approval.

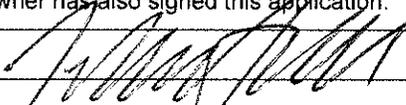
Neighbor #1 Address: 5195 Greenwood Circle	
Signature: 	Date: 7/12/18
Print Name: Laticia Cook	

Neighbor #2 Address: 5175 Greenwood Circle	
Signature: 	Date: 6/12/18
Print Name: Christine M. Bibb	

The undersigned contacted the following regulatory bodies and will seek approvals if required:

- (1) Lake Minnetonka Conservation District 952.745.0789
- (2) Minnehaha Creek Watershed District 952.471.0590

Applicant's acknowledgement and signature(s): The undersigned hereby submits this application for the described action by the city and is responsible for complying with all city requirements with regard to this request. This application should be processed in my name, and I am the party whom the city should contact about this application. The applicant certifies that the information supplied is true and correct to the best of their knowledge. The undersigned also acknowledges that before this request can be considered and / or approved, all required information and fees must be paid to the city, and if additional fees are required to cover costs incurred by the city, the city has the right to require additional payment from one or more of the undersigned, who shall be jointly liable for such fees. An incomplete application will delay processing and may necessitate rescheduling the review timeframe. The application timeline commences once an application is considered complete when all required information and fees are submitted to the city. The applicant recognizes that they are solely responsible for submitting a complete application and that upon failure to do so, recognizes city staff has no alternative but to reject the application until it is complete or to recommend denial regardless of its potential merit. A determination of completeness of the application shall be made within 10 business days of the application submittal. A written notice of application deficiencies shall be mailed to the applicant within 10 business days of application. I am the authorized person to make this application and the fee owner has also signed this application.

Signature: 	Date: 6-6-2018
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Property owner's acknowledgement and signature: The undersigned is the fee title owner of the page 1 described property. I acknowledge and agree to this application and further authorize reasonable entry onto the property by city staff, consultants, agents, planning commission members, and city council members for purposes of investigation and verification of this request.

Signature: 	Date: 6-12-18
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Note: If the property owner is different than the applicant, signatures from both the applicant and the property owner are required.

Variance Fee (nonrefundable)	\$450
Shoreland Management Review Fee (nonrefundable)	\$200
Total Amount Due (make check payable to the City of Greenwood)	\$600 \$650

For Office Use Only	Fee Paid: <input type="checkbox"/> Cash <input type="checkbox"/> Check #:	Amount \$
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June 11, 2018

Greenwood Planning Commission
City of Greenwood
20225 Cottagewood Rd
Deephaven, MN 55331

Dear Greenwood Planning Commission Members:

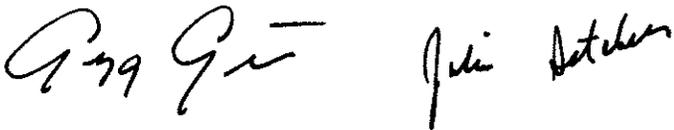
We are requesting two set back variances for a proposed 2nd story dormer addition on our property at 5185 Greenwood Circle. This addition, if approved, will give us a 3rd bedroom and will be 175 sq. ft.

The proposed addition is within the existing home footprint and complies with the City volume requirements. We are requesting a front/street setback of 13' (the previously approved and current home structure is at a 4' street setback), and an east side setback of 9'8" (the previously approved and current home structure is at a 6' east side setback).

We believe the addition will enhance the value of the property and be of no detriment to the surrounding neighbors.

Thank you for your consideration.

Warm regards,

Handwritten signatures of Gregg and Julie Getchell. The signature on the left is 'Gregg Getchell' and the signature on the right is 'Julie Getchell'.

Gregg and Julie Getchell



Permit #	FORM #5 Return this document to City Hall
Receipt #	

Building Volume Compliance Form

If you prefer to complete this form electronically, it is available at www.greenwoodmn.com.

Property Owner(s)	Julie K Getchell & Gregg M Getchell
Property Address	5185 Greenwood Circle

Person completing this form: Property Owner Builder / Architect

Per code section 1140.18 (view at www.greenwoodmn.com or at city hall), no lot in the residential zones of the city may be host to principal and accessory buildings and structures whose above grade building volume (expressed in cubic feet) is greater than the following maximums:

- (1) Lots of 7500 square feet or less in area may be host to buildings, structures, and accessory structures whose above grade building volume is not greater than a volume equal to 6 times the lot area.
 - (2) Lots between 7500 square feet and 15,000 square feet in area may be host to buildings, structures, and accessory structures whose above grade building volume is not greater than a volume equal to 42,000 cubic feet plus a volume of cubic feet equal to a figure 4 times (lot area minus 7500 square feet).
 - (3) Lots greater than 15,000 square feet in area may be host to buildings, structures, and accessory structures whose above grade building volume is not greater than a volume equal to 75,000 cubic feet plus a volume of cubic feet equal to a figure 2 times (lot area minus 15,000 square feet).
- **Exclusions.** All space above unroofed structures such as decks, patios, and wholly in-ground, at grade, pools with no exposed sides shall be excluded from the calculation of building volume.
 - **Inclusions.** Enclosed or unenclosed porches or porticos shall be included in the total volume of the building.
 - **Building Perimeter Grade** means the average of all elevation measurements taken off the finished grade or surface of the ground, sidewalk or paving around the perimeter of a building or structure at (a) points 5 feet distant and perpendicular to the building perimeter commencing at the most northerly corner thereof and thence clockwise at similarly situated points every 10 feet around the building perimeter, (b) the point of highest grade within 5 feet of the building perimeter and (c) the point of lowest grade within 5 feet of the building perimeter.

Exemption for small projects: The proposed improvements involve an area equal to 20% or less of the first floor of the principal structure, therefore I request the city zoning administrator waive the requirement to submit the additional survey requirements and the "above grade building volume" calculation.

The "above grade building volume" calculation for the property is:	36,503 CF 2 Struct. + Proposed 38,868 CF ALLOW. (6 x 6478SF)
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Sworn Statement: The undersigned hereby submits this "sworn statement" that the "above grade building volume" calculation is prepared in conformance with the provisions of code section 1140.18. In the event of inaccuracies, misstatements, incomplete information, or errors in the application and/or supporting materials, the city may issue stop work orders, or delay action on applications pending receipt of corrected or additional information. The undersigned assumes all risk of loss or expenses caused by any such deficiency, delay, or structural changes required to cause the structure to come into code compliance.

Signature		Date: 6-7-2018
Print Name	Renn Hassell, AIA	

As-Built Construction Statement (to be signed prior to a certificate of occupancy being issued): The undersigned hereby submits this "sworn statement" and the attached as-built plans verifying the "above grade building volume" of the structure conforms to code section 1140.18.

Signature		Date:
Print Name		

Form Updated 10-27-14

RESOLUTION NO. 28-12

**RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF GREENWOOD, MINNESOTA ACTING AS THE
BOARD OF APPEALS AND ADJUSTMENTS**

APPROVING

IN RE: The Application of Chip and Kathy Fisher for Variances to Section 1120:15 (side yard, lake yard, and front yard setbacks), 1176:04 (impervious surface), and Section 1140:18 (maximum structural volume) to permit the construction of a new home on an existing lot.

WHEREAS, Chip and Kathy Fisher are the owners of property commonly known as 5185 Greenwood Circle, Greenwood, Minnesota 55331 (PID No. 2611723420040 and

WHEREAS, application was made for variance to Section 1120:15, 1176:04, and 1140:18 to permit construction of a new home on an existing lot; and

WHEREAS, notice of Public Hearing was published, notice given to neighboring property owners, and a Public Hearing held before the Planning Commission to consider the application; and

WHEREAS, public comment was taken at the Public Hearing before the Planning Commission on September 19, 2012 and October 17, 2012; and

WHEREAS, the City Council of the City of Greenwood has received the staff report and recommendation of the Planning Commission, and considered the application, the comments of the applicant and the comments of the public.

NOW, THEREFORE, the City Council of the City of Greenwood, Minnesota acting as the Board of Appeals and Adjustments does hereby make the following:

FINDINGS OF FACT

1. That the real property located at 5185 Greenwood Circle, Greenwood, Minnesota 55331 (PID No. 2611723420040) is a single family lot of record located within the R-1A Single Family Residential District.

2. The applicant proposes to demolish an existing non-conforming house and construct a new home thereon which due to lot area (6,478 square feet) and required side yard setbacks and planned hardcover requires variances.
3. Section 1120:15 of the Zoning Ordinance requires a minimum side yard setback of fifteen feet. The lot is 47.33 feet wide leaving a building envelope width of 17.33 feet. The applicant proposes an east side yard setback of six feet, requiring a nine-foot variance and the applicant proposes a front yard setback of four feet, requiring a 26-foot variance. The applicant proposes a 13-foot west side yard requiring a two-foot variance, and a 47-1/2-foot lake side yard setback requiring a 2-1/2-foot variance.
4. The proposed hard cover is 36.3% necessitating a variance of 6.3% to Section 1176.04. The proposed hardcover is an increase of 4.6% over the existing 31.7% impervious surface.
5. The applicant proposes a structure volume of 34,946 cubic feet, necessitating a variance of 2,556 cubic feet to Section 1140.18.
6. Applicant proposes to retain an existing boathouse which is permitted under Section 1176, but will restore same.
7. The lot area is 43% of the minimum required lot area for the R-1A zoning district. The topography of the lot drops radically approximately fourteen feet from road edge to two feet above lake level preventing any structure from having a below grade basement and in effect necessitating all structure of the house to be above grade.
8. The applicant advises that the variance, if granted, will be keeping with the spirit and intent of the zoning code because the new structure will be in keeping with the existing character of the neighborhood in terms of materials, scale and landscape amenities, and the density of the proposed improvements. The needed variances will not allow the structure to be greater in size than many other existing structures in the neighborhood.
9. The applicant advises the property cannot be put to a reasonable use if used under the conditions allowed by the official controls due to the lot being only 6,478 square feet and the site being more than a story (14-1/2 feet) below street level, sitting just above the water table. Consequently, the majority of the lower level sits exposed above grade and contributes to the abnormally high volume in the finished house.

10. The applicant advises that the plight of the owner is due to circumstances unique to the property and not created by the land owner because of extreme narrowness in the lot, 47.33 feet east to west, small lot size 6,478 square feet creating a building envelope too small for a house without a variance.
11. The applicant advises the variance, if granted, will not alter the essential of the locale because the structure has been made as low as possible at the street front yard setback and is designed to complement the character of adjacent properties in terms of size and materials.
12. The applicant represents that the variances, if granted, will not affect the neighboring properties access to light or air, contribute to traffic congestion or danger of fire, or create a danger to public safety, and if granted, the property to be built as proposed will not adversely impact surrounding property values.
13. The Planning Commission discussed the proposed plan and recommended approval of the project as proposed for the reason that the lot size creates a practical difficulty in that it is less than half the minimum lot area required in the zoning district, that the maximum impervious surface area of a variance of 6.3% be granted based on the practical difficulty related to the size of the parcel and that the planned home is of modest size and would not be out of character with other homes in the area as built. The planning commission also concluded that the variance to encroach on the front yard 26 feet and 9 feet into the required 15-foot east side yard setback be granted as a practical difficulty exists related to the size of the existing lot. All things considered overall the proposal will not alter the essential character of the neighborhood.
14. Section 1155.10, Subd. 4, 5 & 6 provide:

“Subd. 4. Practical Difficulties Standard. “Practical difficulties,” as used in connection with the granting of a variance, means:
 - (a) that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
 - (b) the plight of the landowner is due to circumstances unique to the property and not created by the landowner;
 - (c) and the variance, if granted, will not alter the essential character of the locality

Economic considerations alone shall not constitute practical difficulties.

Subd.5 Findings. The board, in considering all requests for a variance, shall adopt findings addressing the following questions:

- (a) Is the variance in harmony with the purposes and intent of the ordinance?
- (b) Is the variance consistent with the comprehensive plan?
- (c) Does the proposal put property to use in a reasonable manner?
- (d) Are there unique circumstances to the property not created by the landowner?
- (e) Will the variance, if granted, alter the essential character of the locality?

Subd. 6. Additional Requirements for Grants of Variance Requests. The board, in considering all requests for a variance, shall determine that the proposed variance, if granted, will not:

- (a) Impair an adequate supply of light and air to adjacent property.
- (b) Unreasonably increase the congestion in the public street.
- (c) Increase the danger of fire or endanger the public safety.
- (d) Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this ordinance.”

- 15. Based upon the foregoing, the City Council determined that the variance to permit the construction of a new home as proposed, if granted, would be in harmony and keeping with the spirit and intent of the Zoning Code because it will maintain the character of the neighborhood. The variance, if granted, will be consistent with the Comprehensive Plan’s guiding use for the subject property in the applicable zone because the character of the proposed use is consistent with the applicable zoning.
- 16. The property owner’s proposed manner of use of the property, although not permitted under the Zoning Code in a lot of this size without a variance, is reasonable because the planned home is of modest and appropriate size for an R1 zoned property in this neighborhood. That the plight of the land owner/applicant is due to circumstances unique to the property and not created by the land owner because the property’s geometry, elevation differences in topography and small lot dimensions are unique. The variance, if granted, will not alter the essential character of the locality, that the proposed single family home is consistent with the locality. The variance, if granted, will not impair an adequate supply of light and air to adjacent property, unreasonably increase congestion on public street, increase danger of fire or endanger public health, safety, and welfare or unreasonably diminish or impair established property values in the neighborhood. The City Council also noted that the proposed lake yard, east side yard, and front yard encroachments are less than the current encroachments.

17. That in the course of the discussion, it was determined that the design as submitted features a two-foot projection on the west side yard and a 2-1/2 foot projection into the lake side yard setback necessitated additional variances thereto which the City Council acknowledge as meeting the same legal analysis set forth above.
18. The foregoing variances being deemed appropriate, the grant of variances to exceed the maximum permitted impervious surface area of 30% by and additional 6.3% is appropriate and should be granted.
19. That the proposed structure volume of 34,946 cubic feet, necessitating a variance of 2,556 cubic feet to the maximum permitted structure volume of a lot this size of 32,390 cubic feet is reasonable in light of the fact that the building footprint is approximately two-feet above the ordinary high water mark of Lake Minnetonka preventing the creation of a below grade basement that would otherwise reduce total above grade structure volume.
20. The following conditions should be imposed on any variance grant:
 - A. The project must be completed according to the specifications and design requirements in the submitted plans.
 - B. A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the City of Greenwood before any permits may issue or the project commence.
21. In addition to the foregoing, the approval resolution was conditioned on the requirement that any chimney serving the property be no higher than five feet above the roof line.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, The City Council acting as the Board of Appeals makes the following Conclusions of Law:

1. The applicant has made an adequate demonstration of facts meeting the standards of Section 1155.10 necessary for the grant of the following variances to Sections 1120:15, 1140.18, and 1176.04:
 - A. A variance to Section 1120:15 permitting a west side yard encroachment of two feet (2') into the required west side yard setback should be granted.

- B. A variance to Section 1120:15 permitting a east side yard encroachment of nine feet (9') into the required east side yard setback should be granted.
- C. A variance to Section 1120:15 permitting a front yard encroachment of twenty-six feet (26') into the required front yard setback should be granted.
- D. A variance to Section 1120:15 permitting a lake side yard encroachment of two feet six inches (2'6") into the required 50 foot lake side setback should be granted.
- E. A variance to Section 1176:04 permitting the impervious surface to exceed maximum permitted impervious surface of 30% by 6.3% should be granted.
- F. That a variance to Section 1140:18 permitting maximum structural volume to exceed permitted structural volume of 32,390 cubic feet by 2,556 cubic feet should be granted.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenwood, Minnesota acting as the Board of Appeals and Adjustments:

- 1. That the application of Chip and Kathy Fiseher for variances to Greenwood Ordinance Code Sections 1120:15, 1140.18, and 1176.04, are granted as follows:
 - A. A variance to Section 1120:15 permitting a west side yard encroachment of two feet (2') into the required west side yard setback should be granted.
 - B. A variance to Section 1120:15 permitting a east side yard encroachment of nine feet (9') into the required east side yard setback should be granted.
 - C. A variance to Section 1120:15 permitting a front yard encroachment of twenty-six feet (26') into the required front yard setback should be granted.
 - D. A variance to Section 1120:15 permitting a lake side yard encroachment of two feet six inches (2'6") into the required 50 foot lake side setback should be granted.
 - E. A variance to Section 1176:04 permitting the impervious surface to exceed maximum permitted impervious surface of 30% by 6.3% should be granted.
 - F. That a variance to Section 1140:18 permitting maximum structural volume to exceed permitted structural volume of 32,390 cubic feet by 2,556 cubic feet should be granted on the following conditions:
 - (a) The project must be completed according to the

specifications and design requirements in the submitted plans.

- (b) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the City of Greenwood before any permits may issue or the project commence.
- (c) That the chimney servicing the subject property be no more than five (5) feet in height above the roof line.

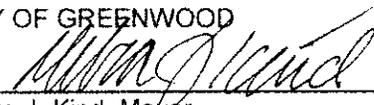
2. Directs the city clerk to mail a copy of this resolution to the Commissioner of the Minnesota DNR per Greenwood Ordinance Code Section 11760.7, subd. 4. The mailing shall be postmarked within 10 days of final action.

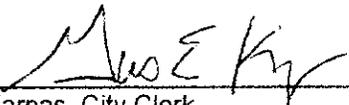
PASSED THIS ___ DAY OF NOVEMBER, 2012 BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA ACTING AS THE BOARD OF APPEALS AND ADJUSTMENTS FOR THE CITY OF GREENWOOD, MINNESOTA.

There were 3 AYES and 1 NAYS as follows:

Greenwood City Council	YEAS	NAYS	ABSTAIN	ABSENT
Mayor Debra Kind	X			
Councilman Bill Cook	X			
Councilman Tom Fletcher				X
Councilman H. Kelsey Page		X		
Councilman Bob Quam	X			

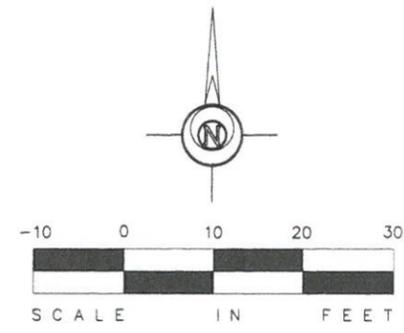
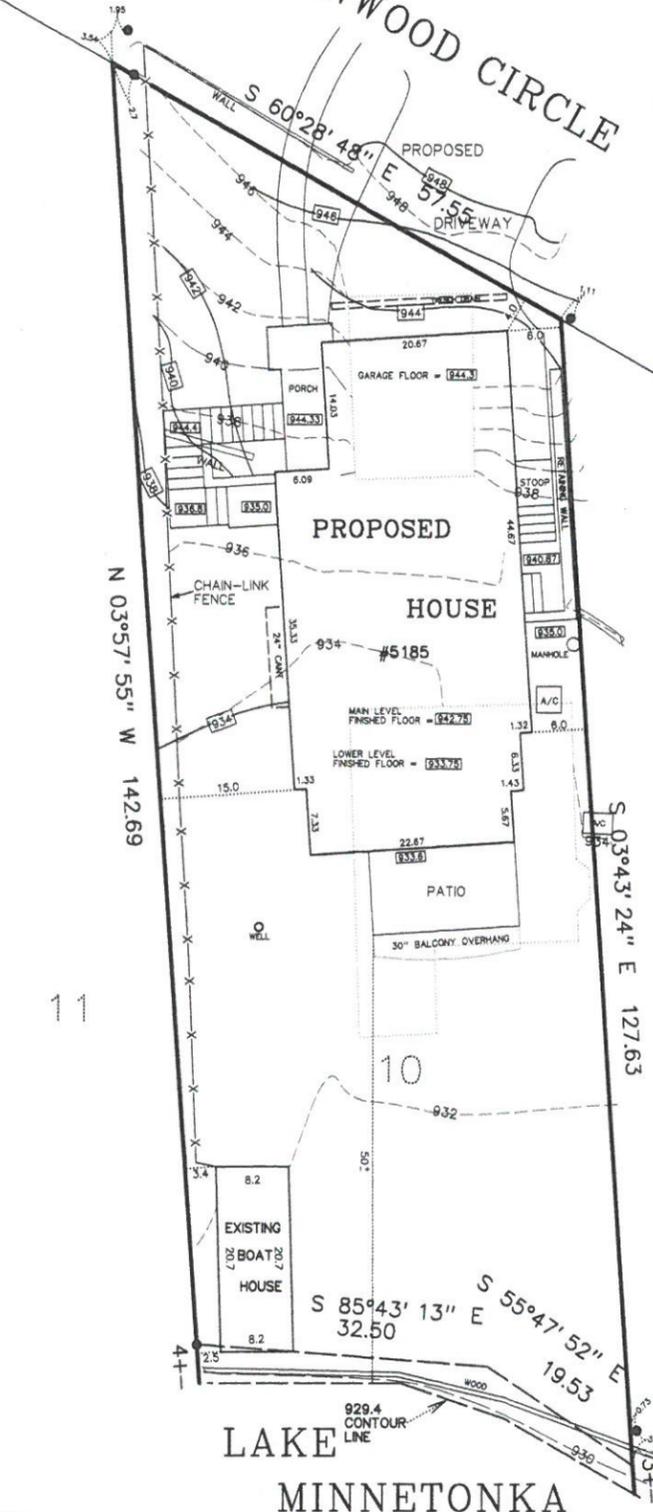
CITY OF GREENWOOD

By: 
Debra J. Kind, Mayor

Attest: 
Gus E. Karpas, City Clerk

**CERTIFICATE OF SURVEY FOR
ORVILLE "CHIP" FISCHER
OF LOT 10, BLOCK 16, MINNETONKA MANOR
HENNEPIN COUNTY, MINNESOTA**

GREENWOOD CIRCLE



LEGAL DESCRIPTION OF PREMISES :
Lot 10, Block 16, MINNETONKA MANOR

- : denotes iron marker found
- 910.8 : denotes proposed spot elevation, by others
- 904 : denotes proposed contour line, by others

Bearings shown are based upon an assumed datum.

This survey intends to show the boundaries of the above described property, and the proposed location of a proposed house, driveway, porch, sidewalks, spot elevations, and contours thereon. It does not purport to show any other improvements or encroachments.

IMPERVIOUS SURFACES	
HOUSE FOOTPRINT	140.1
DRIVEWAY	208
FRONT WALK	53
FRONT PORCH	89
LAKE PORCH	150
WEST STEPS	137
EAST WALLS / STOOPS / WALK	145
AREA OF PROPOSED SURFACES	2,183 SF
2,183 SF / 6,478 SF x 100 =	33.69 %
BOATHOUSE 168	
AREA OF PROPOSED & EXISTING SURFACES	2,351 SF
2,351 SF / 6,478 SF x 100 =	36.29 %

LAKE MINNETONKA

12128REVISED.SGJ

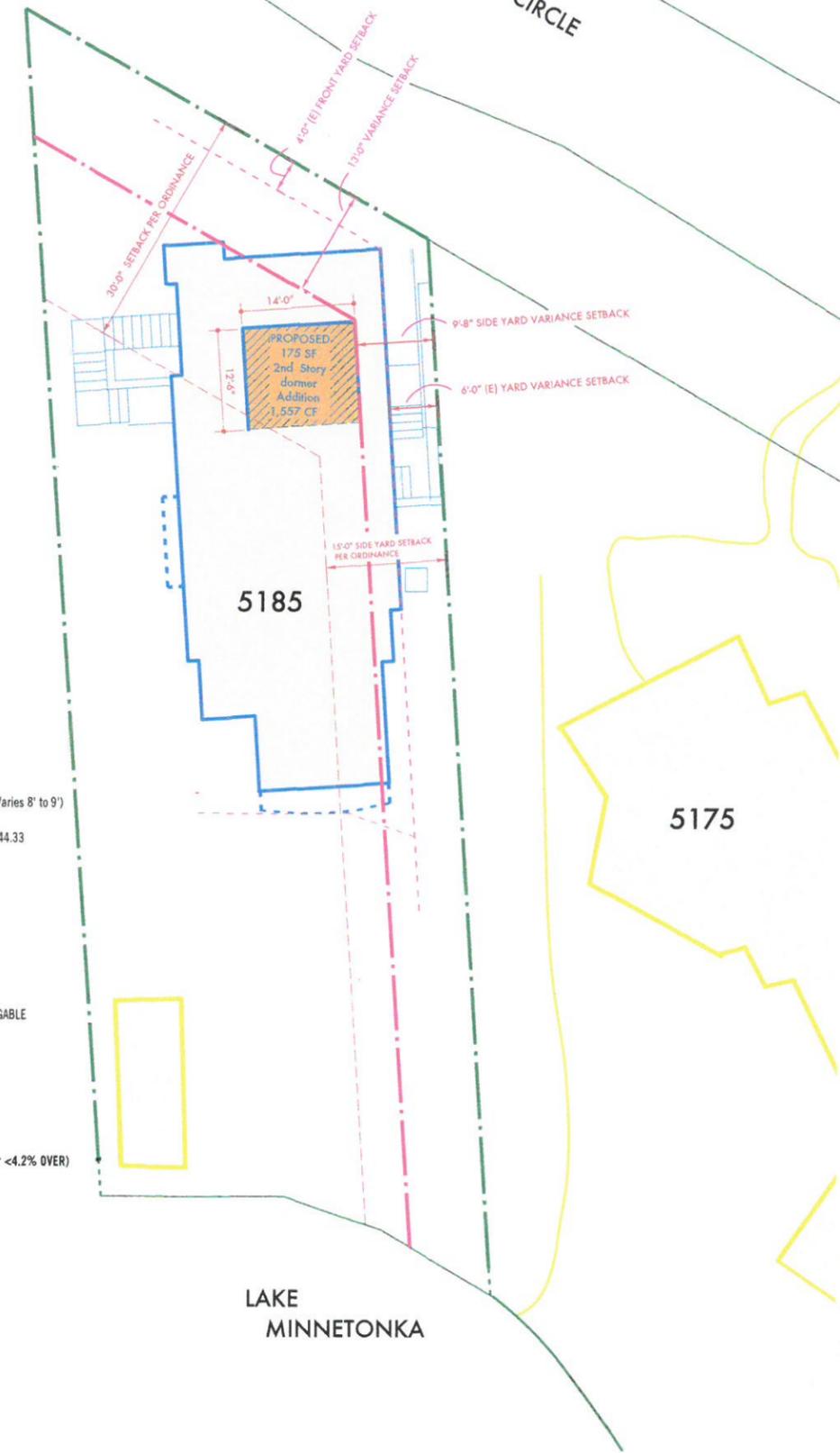
DRAWN	REVISION	DATE	DESCRIPTION
1	10-5-12	REVISED	
CHECKED			
JOB NO.			
12-128A			

GRONBERG AND ASSOCIATES, INC.
CONSULTING ENGINEERS, LAND SURVEYORS, & SITE PLANNERS
445 NORTH WILLOW DRIVE
LONG LAKE, MN. 55356
952-473-4141

I hereby certify that this survey, plan, or report was prepared by me, or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Mark S. Gronberg Minnesota License Number 12755

SCALE
1" = 10'
DATE
5-3-12
JOB NO.
12-128A



EXISTING ABOVE GROUND STRUCTURE CUBIC FOOTAGE

MAIN RESIDENCE CUBIC FOOTAGES (AREAS x FLOOR TO FLOOR HEIGHTS)

927 Sf x 8.5' =	8,343 CU FT	GROUND FLOOR GROSS (ABOVE AVERAGE EXTERIOR GRADE (Varies 8' to 9'))
894 Sf x 9.83' =	8,788 CU FT	MAIN FLOOR - GROSS @ FLOOR ELEVATION 942.45
585 Sf x 8.7' =	5,089.5 CU FT	ENTRY HALL, GARAGE FLOOR & WALLS @ FLOOR ELEVATION 944.33
650 Sf x 7.7' =	5,005 CU FT	UPPER FLOOR

MAIN RESIDENCE POLYGONAL ROOF SHAPES AND ABOVE SLOPED GRADE CUBIC FOOTAGES

1/2 of 84 Sf SECTION = 42sf SECTION	1071 CU FT	ABOVE GRADE PORTIONS OF FOUNDATIONS BELOW GARAGE & PORCH
x 25.5 LF (WIDTH OF GARAGE & PORCH) =	387.5 CU FT	HIP ROOF DORMER @ LAKESIDE
	663 CU FT	HIGHEST DOUBLE HIP ROOF
	184.5 CU FT	WEST SIDE LOW ROOF
	305.6 CU FT	STREET SIDE GABLE DORMER @ UPPER ROOF
	1152 CU FT	FLAT / PITCHED HIP ROOF OVER GARAGE / ADJOINING PORCH GABLE
	64 CU FT	EAST SIDE LOW ROOF OVER ENTRY
	49.6 CU FT	HIP ROOF DORMER OVER STAIR CASE ON WEST SIDE
	31,102.7 CU FT	ABOVE GRADE ENCLOSED VOLUME

74 Sf SECTION AREA x 16.33' LF = 1,209 CU FT MAIN FLOOR OPEN SIDE PORCH and PORCH GABLE ROOF VOLUME
LAKESIDE PORCH 149.33 Sf x 9.5' = 1,418.6 CU FT GROUND FLOOR Open SIDE PORCH VOLUME
SUBTOTAL 2,627.6 CU FT Open SIDE PORCH AND ROOF VOLUME

TOTAL HOUSE & OPEN PORCHES 33,730.3 CU FT MAIN RESIDENCE TOTAL VOLUME (1,340.3 CU FT OVER ORDINANCE or <4.2% OVER)

59 Sf SECTION AREA x 20.6' LF = 1,215.4 CU FT BOATHOUSE VOLUME

GRAND TOTAL BOTH STRUCTURES 34,946 CU FT TOTAL VOLUME (2,555.7 CF OVER ORDINANCE or <7.9% OVER)

PROPOSED ADDITION CUBIC FOOTAGE

124.5 Sf SECTION x 12.5' LF = 1,557 CU FT 2nd FLOOR DORMER ADDITION

GRAND TOTAL BOTH STRUCTURES 36,503 CU FT TOTAL VOLUME
ORDINANCE VOLUME CALC 38,868 (6 x 6,478 SF Lot Area)



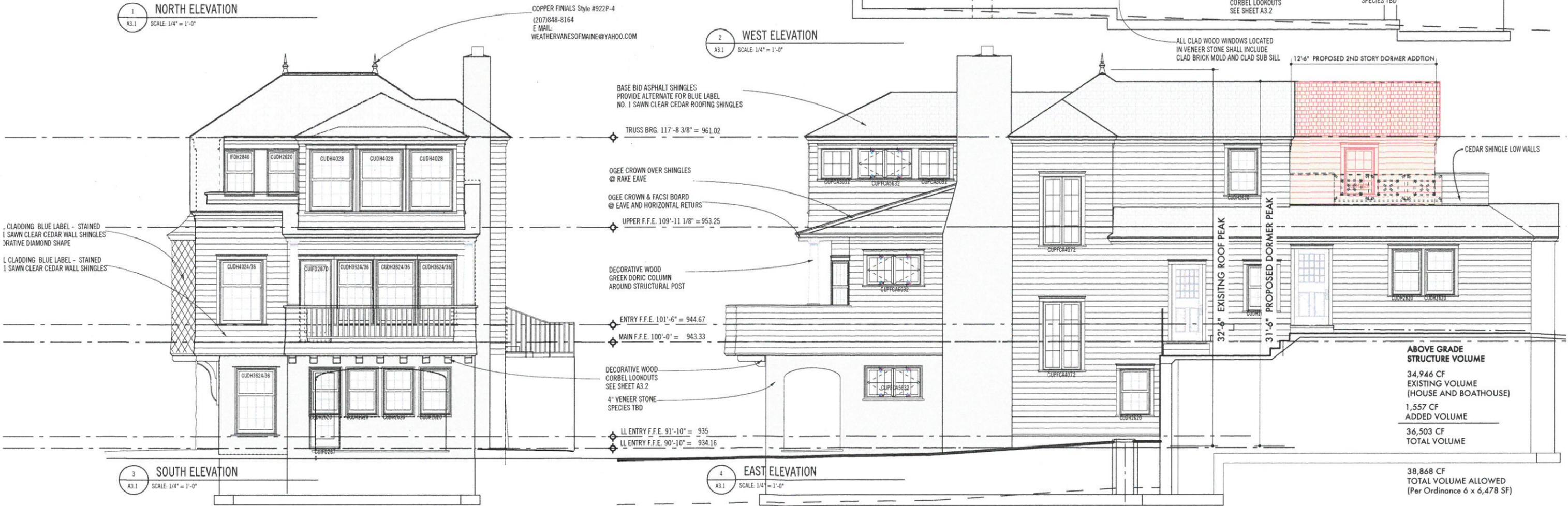
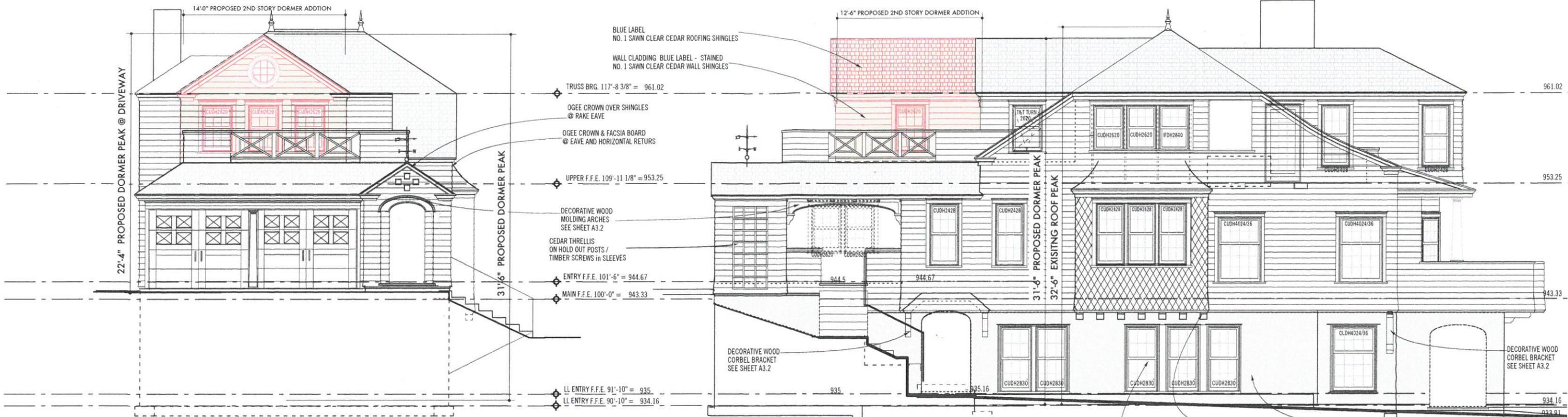
REHN HASSELL ARCHITECT, LLC | A.J.A. MN BOARD A.E.I.S.L.A.G.D.
T. 612-804-8968 | WWW.REHNHASSELL.COM | REHNHASSELL@GMAIL.COM
| 905 NORTH FIFTH STREET | MINNEAPOLIS, MN 55401

M.S.B.A.E.I.S.L.A.G.D. Registration # 21586
I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly registered architect under the laws of the state of Minnesota.

Project: **GETCHELL RESIDENCE GREENWOOD, MN**

Drawing: **PROPOSED 2ND FLOOR ADDITION**
SCALE 1/4" = 1'-0"

Revision	Date	Description	Document Issue	Date	SHEET No.
1	06/04/2018	ISSUED APPLICATION			A 1.0



ABOVE GRADE STRUCTURE VOLUME
34,946 CF EXISTING VOLUME (HOUSE AND BOATHOUSE)
1,557 CF ADDED VOLUME
36,503 CF TOTAL VOLUME
38,868 CF TOTAL VOLUME ALLOWED (Per Ordinance 6 x 6,478 SF)

REHN HASSELL | ARCHITECT, LLC | A.L.A. MN BOARD A.E.I.S. I.A.A.D.
 T: 612-804-8968 | WWW.REHNHASSELL.COM | REHNHASSELL@GMAIL.COM
 905 NORTH FIFTH STREET | MINNEAPOLIS, MN 55401

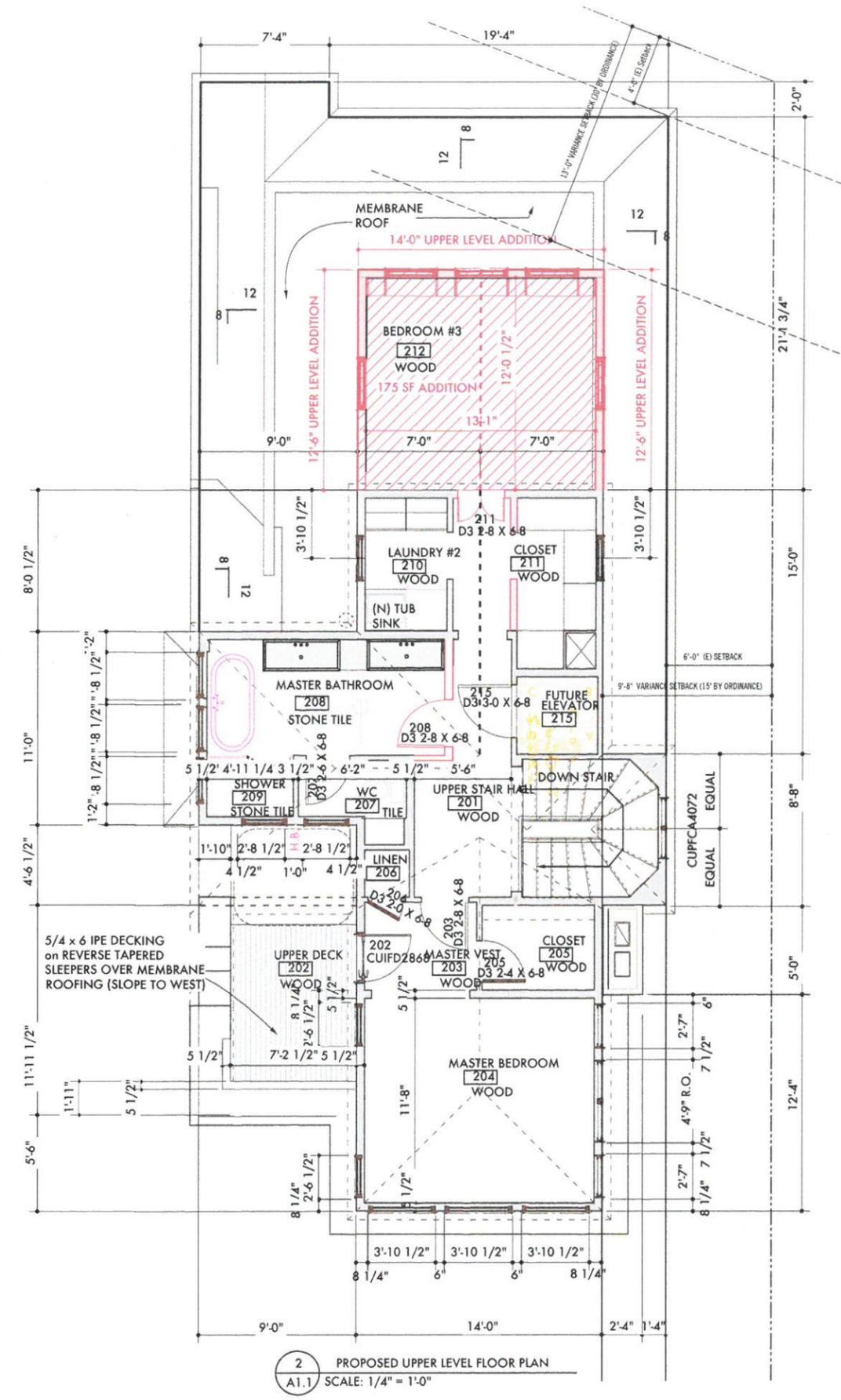
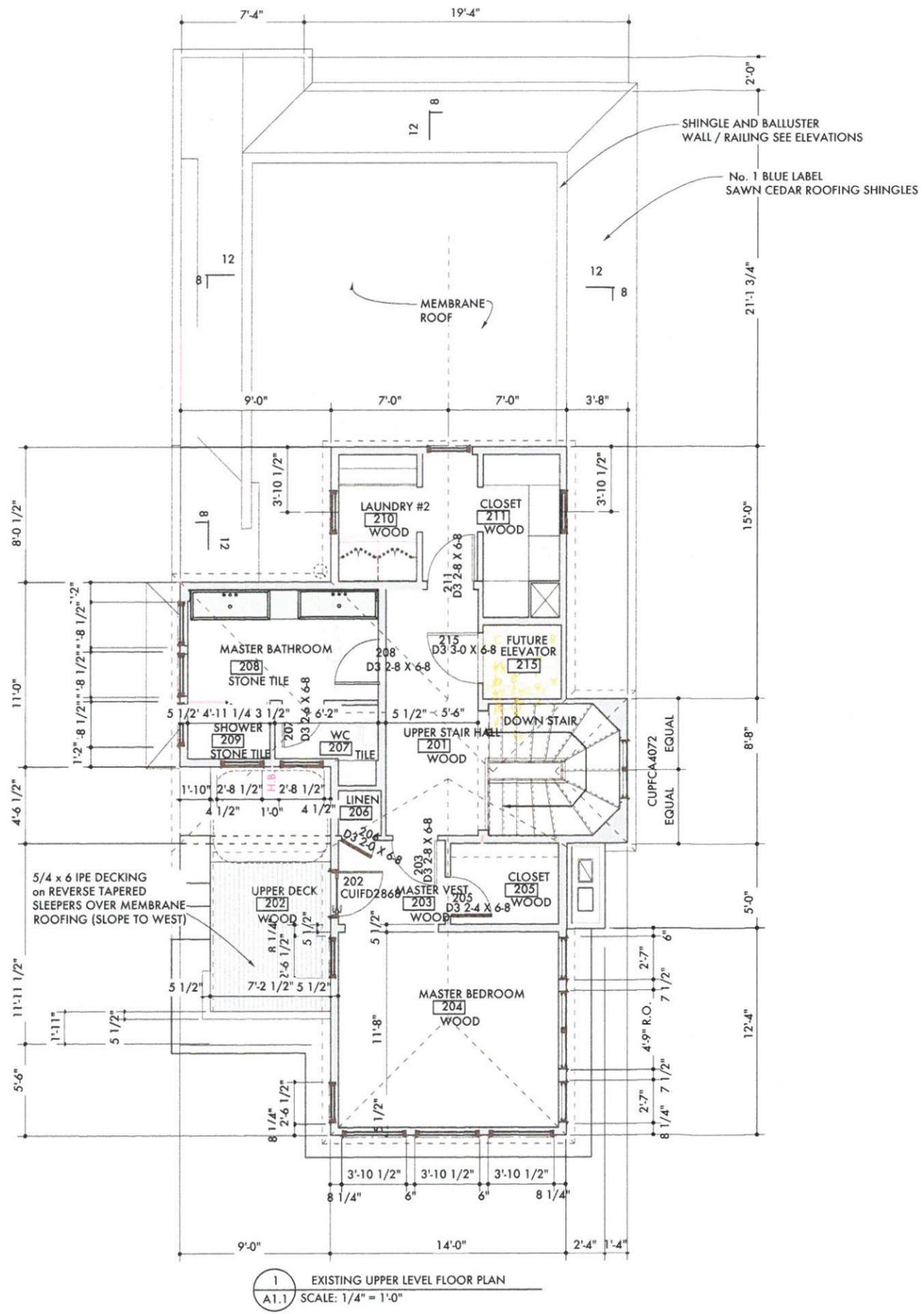
MS.B.A.E.I.S.I.A.A.D. Registration # 21586
 I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly registered architect under the laws of the state of Minnesota.

Project: **GETCHELL RESIDENCE**
 GREENWOOD, MN

Drawing: **PROPOSED 2ND FLOOR ADDITION**
 SCALE: 1/4" = 1'-0"

Revision	Date	Description
1	06/04/2018	ISSUE FOR PERMIT APPLICATION

Document Issue: **PERMIT APPLICATION**
 Date: 06/04/2018
 SHEET No. **A1.3**



RESOLUTION NO 20-18

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA
ACTING AS THE BOARD OF APPEALS & ADJUSTMENTS**

In Re: Application of Julie and Gregg Getchell for the property at 5185 Greenwood Circle for a variance from Greenwood ordinance code sections 1120.15 in conjunction with the construction of a house addition.

Julie and Gregg Getchell, applicants, are the owners of property commonly known as 5185 Greenwood Circle, Greenwood, Minnesota 55331 (PID No. 26-117-23-42-0040) being real property in Hennepin County Minnesota and legally described as follows:

Lot 10, Block 16, MINNETONKA MANOR

WHEREAS, application was made for variance to zoning code section 1120.15 in conjunction with the construction of an upper-level addition for the existing nonconforming house; and

WHEREAS, notice of a public hearing was published, notice given to neighboring property owners, and a public hearing was held before the planning commission to consider the application; and

WHEREAS, public comment was taken at the public hearing before the planning commission on July 11, 2018; and

WHEREAS, the city council of the city of Greenwood has received the staff report, the recommendation of the planning commission, and considered the application, the comments of the applicants, and the comments of the public.

NOW, THEREFORE, the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments does hereby make the following:

FINDINGS OF FACT

1. That the real property located at 5185 Greenwood Circle, Greenwood, Minnesota 55331 (PID No. 26-117-23-42-0040) is a single-family lot of record located within the R-1A district.
2. The applicants propose the expansion of the nonconforming house with an upper-level addition that encroaches into the front yard and east side yard setback. Section 1120.15 of the city code requires a front yard setback of 30 feet and the applicants are proposing a front setback of 13 feet for the addition. Section 1120.15 of the city code requires a side yard setback of 15 feet and the applicants are proposing an east side yard setback of 9 feet, 8 inches for the addition.
3. The legal nonconforming house, approved in 2012, sits 6 feet off of the east property line and 4 feet off of the front property line. The proposed upper level addition is set further back than the previously approved setbacks: the east side by an additional 3 feet, 8 inches and the front by an additional 9 feet.
4. Greenwood ordinance section 1155.10, subd 4, 5 & 6 states:

"Subd. 4. Practical Difficulties Standard. "Practical difficulties," as used in connection with the granting of a variance, means:
 - (a) that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
 - (b) the plight of the landowner is due to circumstances unique to the property and not created by the landowner;
 - (c) and the variance, if granted, will not alter the essential character of the locality

Economic considerations alone shall not constitute practical difficulties.

Subd. 5. Findings. The board, in considering all requests for a variance, shall adopt findings addressing the following questions:

- (a) Is the variance in harmony with the purposes and intent of the ordinance?

- (b) Is the variance consistent with the comprehensive plan?
- (c) Does the proposal put property to use in a reasonable manner?
- (d) Are there unique circumstances to the property not created by the landowner?
- (e) Will the variance, if granted, alter the essential character of the locality?

Subd. 6. Practical Difficulties Considerations. When determining reasonable manner or essential character, the board will consider, but will not be limited to, the following:

- (a) Impair an adequate supply of light and air to adjacent property.
- (b) Unreasonably increase the congestion in the public street.
- (c) Increase the danger of fire or endanger the public safety.
- (d) Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this ordinance.”

5. The applicants assert that the proposed variance request complies with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6.
6. The planning commission, on a 3-0 vote, recommended the council approve the request of Julie and Gregg Getchell to vary from city code section 1120.15 to encroach 5 feet 4 inches into the east side yard setback and 17 feet into the front yard setback in order to construct an upper-level addition for the existing nonconforming house, as proposed, for the property at 5185 Greenwood Circle, Greenwood, Minnesota 55331. The motion was based on the following findings:
 - a) The variance, if granted, will be in harmony and keeping with the spirit and intent of the zoning ordinance because the purpose of the ordinance is to provide a use zone for low-density single-family dwellings that will be exclusive of other types of use for the purpose of creating a quality semi-estate district. The proposed expansion is consistent with that purpose and is a modest, thoughtful expansion of existing conditions.
 - b) The variance, if granted, will be consistent with the comprehensive plan which encourages, through reasonable accommodation, the maintenance and improvement of existing homes consistent with our variance procedures.
 - c) Though the property owner's proposed *manner of use* of the property is not permitted by the zoning ordinance without a variance, the proposed *manner of use* is reasonable because: it maintains the single family nature of the property at a scope and scale consistent with the zoning standards. The location of the addition is reasonable based on the existing configuration of the house.
 - d) The plight of the landowner-applicant is due to circumstances unique to the property and not created by the landowner because: the buildable area on the property is limited due to the property width and the overall size of the lot. Because the proposal is a modification of an existing house, there are few alternatives for expanding the house elsewhere that would not also trigger a variance.
 - e) The variance, if granted, will not alter the essential character of the locality, because: the proposed expansion would remain consistent with the scope and scale of the surrounding properties.
 - f) The variance, if granted, will not:
 - i. Impair an adequate supply of light and air to adjacent property;
 - ii. Unreasonably increase the congestion in the public street;
 - iii. Increase the danger of fire or endanger the public safety; or
 - iv. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this ordinance.
7. Based on the foregoing, the city council determined that the variance request complies with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6.

CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the city council acting as the Board of Appeals & Adjustments makes the following conclusions of law:

The applicant has made an adequate demonstration of facts meeting the standards of section 1155.10 necessary for the granting of variances from section 1120.15 and therefore variances to encroach 17 feet into the front yard setback, and to encroach 5 feet, 4 inches into the east side yard setback in order to construct an upper-level addition for the existing nonconforming house **APPROVED**.

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments:

That the application of Julie and Gregg Getchell for the property at 5185 Greenwood Circle, Greenwood, Minnesota 55331 for variances from section 1120.15 to encroach 17 feet into the front yard setback, and to encroach 5 feet, 4 inches into the east side yard setback in order to construct an upper-level addition for the existing nonconforming house is **APPROVED**.

PASSED this 1st day of August, 2018 by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments for the city of Greenwood, Minnesota.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana Young, City Clerk



Agenda Number: 7B

Agenda Date: 08-01-18

Prepared by Dale Cooney

Agenda Item: Consider: Res 21-18, Findings for Variance Request, David and Kimberly Barry, 21550 Excelsior Boulevard.

Summary: Copies of the application materials and staff report are attached reference. Notice of the public hearing was published in the Sun-Sailor newspaper on 06-28-18. The planning commission held a public hearing at their 07-11-18, meeting. The planning commission considered public comment, applicant's comments, application materials, and staff reports when making their recommendation (see planning commission action below). The city council **must** incorporate city code section 1155.10 variance criteria as well as any conditions in the motion.

Planning Commission Action: Motion by Steingas to recommend approval with conditions of the request as proposed. Motion was seconded by Lucking. Motion carried 3-0. The motion is conditioned that the approval resolution reflects the impervious areas on the property are increasing by .3% to account for the additional structural-related impervious areas.

The motion is based on the following findings:

Planning Commission findings, based on the practical difficulty standards found in city code section 1155.10:

- a) The variance, if granted, will be in harmony and keeping with the spirit and intent of the zoning ordinance because the purpose of the ordinance is to promote the wise use and development of the shoreland of public waters that exist within the boundaries of the city, the proposal is a modest intensification of a property with a limited area to place a conforming footprint.
- b) The variance, if granted, will be consistent with the comprehensive plan's guiding use for the subject property in the applicable zoning because of the character of the proposed use is consistent with the applicable zoning.
- c) Though the property owner's proposed *manner of use* of the property is not permitted by the zoning ordinance without a variance, the proposed *manner of use* is reasonable because: it maintains the single family nature of the property at a scope and scale consistent with the surrounding properties and is only a slight change from existing conditions.
- d) The plight of the landowner-applicant is due to circumstances unique to the property and not created by the landowner because: the property is bordered on two sides by a channel that is considered part of Lake Minnetonka (one channel which is not navigable) and which severely limits the conforming buildable area on the property. Additionally, the excess impervious surface area on the property is a condition that predated the applicant's acquisition of the property.
- e) The variance, if granted, will not alter the essential character of the locality, because: the proposed expansion would remain consistent with the scope and scale of the surrounding properties.
- f) The variance, if granted, will not:
 - i. Impair an adequate supply of light and air to adjacent property;
 - ii. Unreasonably increase the congestion in the public street;
 - iii. Increase the danger of fire or endanger the public safety; or
 - iv. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this ordinance.

Key Dates:

Application complete:	June 13, 2018
Notice of Public Hearing published:	June 28, 2018
Planning Commission Public Hearing:	July 11, 2018
City Council Consideration:	August 1, 2018
60-Day Deadline:	August 12, 2018
120-Day Deadline:	October 11, 2018

Council Action: The city council must take action by 08-12-18 unless the council decides to exercise the city's option to take another 60 days to consider the request. Suggested motions ...

1. I move the city council adopts resolution 21-18 laying out the findings of fact **APPROVING** the variance requests of David and Kimberly Barry to encroach 17.8 feet into the minimum required lake yard setback, and to exchange 49.2 square feet of landscape-related impervious surfaces for structural-related impervious surfaces for the proposed covered porch at 21550 Excelsior Boulevard, as proposed. I further move that the council directs the city clerk to mail a copy of the findings to the applicant and the DNR, and place an Affidavit of Mailing for each of the mailings in the property file.
2. I move the city council directs staff to draft **FINDINGS FOR DENIAL** for the variance requests of David and Kimberly Barry, 21550 Excelsior Boulevard, to be considered at the September 5, 2018 city council meeting. I further move the city council directs city staff to exercise the city's option to take 60 additional days to process the variance application by mailing written notice and placing an Affidavit of Mailing in the property file.
3. I move the city council directs city staff to exercise the city's option to take 60 additional days to process the variance application of David and Kimberly Barry, 21550 Excelsior Boulevard, by mailing written notice and placing an Affidavit of Mailing in the property file. The written notice shall state the reason for the extension is: _____.

Note: MN statute 15.99 requires a council decision within 60 days. The council may approve or modify a request based on verbal findings of fact and the applicant may proceed with their project. However, if the council denies the request, the council must state in writing the reasons for denial at the time that it denies the request. The council may extend the 60-day time limit by providing written notice to the applicant including the reason for the extension and its anticipated length (may not exceed 60 additional days unless approved by the applicant in writing).



Agenda Item: Consider variance requests of David and Kimberly Barry, property owners, to encroach into the lake yard setback and convert landscape-related impervious to structural-related impervious in order to expand an enclosed porch at 21550 Excelsior Boulevard.

Summary: David and Kimberly Barry, property owners at 21550 Excelsior Boulevard, are requesting variances in order to expand a nonconforming enclosed porch. The footprint of the house was approved via variance requests in 2017, and the applicants are proposing to slightly modify the request by expanding the proposed porch 3 feet further into the lake yard setback. The proposed expansion would be built over an existing at-grade deck and would convert approximately 50 square feet of at-grade impervious areas into structural impervious areas.

The existing house was destroyed by fire. Apart from the new variance request and a change in the roof pitch, the proposed house remains the same as what was approved in 2017.

Setbacks: Section 1120.15 of the Greenwood Zoning Code requires a 50 foot lake yard setback. As proposed, the porch addition would be a further encroachment into the lake yard setback. Applicants are proposing a 32.2 foot setback from the lake yard and are **seeking a variance of 17.8 from the lake yard setback.**

Impervious Surface Area: Section 1176.04 (Subd. 3(3)(a)) limits the maximum impervious area for all residential properties to 30% as a percentage of lot area. The survey submitted for the request shows the property is currently at 42.3% impervious. Via the variance approval, areas on the property that contained landscaping plastic were removed which brings the proposed hardcover to 37.5%

While no expansion of impervious surface area is proposed, the proposal does convert areas of at grade impervious into structural impervious.

Section 1176.07.05 (Subd. 4) of the zoning code addresses impervious surface policies and conditions and states, *"Variance applicants with total impervious surface coverage in excess of 30% shall have the burden of proof to establish that the excess is a legal nonconforming use by showing evidence that the excess was in existence prior to the adoption of the Shoreland Management Ordinance (December 1992), or by showing the excess was approved by the city. If no such evidence exists, the city council may require the property owner to reduce impervious surfaces as a condition of variance approval."*

It further states that *"Legal and illegal nonconforming landscape-related impervious surfaces cannot be exchanged for an increase in structural-related impervious surfaces to obtain a variance from impervious surface requirements"* and also that *"Driveways may be exchanged for structural impervious surface. Future driveway expansion must comply with the provisions set forth in subdivision 1 of this section."*

The porch expansion (49.2 sf) is over an existing at-grade deck. Per code, landscape-related impervious surfaces cannot be exchanged for an increase in structural-related impervious surfaces, and **applicants are seeking a variance to exchange 49.2 square feet of landscape-related impervious surfaces for an increase in structural-related impervious surfaces.**

Discussion: The proposed expansion is modest, and a reasonable case could be made that a 50 foot setback on the channel is excessive and that a lesser setback, comparable to a wetland, might be appropriate. However, in previous conversations regarding this property, staff has not heard the city take that position. In spite of the modest nature of the request, staff is having difficulty finding a justification for making the nonconforming situation worse than it already is.

Also, while reductions to impervious areas will take place, the property is still well above the 30% impervious limit at 37.5%. At 16,932 square feet, the property exceeds the minimum lot size for the zoning district, so the current impervious issue is more about existing conditions than any limitations due to the lot size. Staff is not supportive of converting even more nonconforming impervious areas on the property to structural hardcover.

Staff Recommendation:

Staff recommends denial of the variance requests of David and Kimberly Barry to encroach 17.8 feet into the minimum required lake yard setback, and to exchange 49.2 square feet of landscape-related impervious surfaces for structural-related impervious surfaces for the proposed covered porch at 21550 Excelsior Boulevard, as proposed.

Staff findings, based on the practical difficulty standards found in city code section 1155.10:

- a) The variance, if granted, will NOT be in harmony and keeping with the spirit and intent of the zoning ordinance. The purpose of the ordinance is to promote the wise use and development of the shoreland of public waters that exist within the boundaries of the city. The proposal would expand into the required shoreland setback and convert nonconforming landscape-related impervious surfaces into structural-related impervious surfaces. The creation of additional encroachments and structural hardcover is not in harmony with the intent of the ordinance.
- b) The variance, if granted, will NOT be consistent with the comprehensive plan which states that the city will continue to implement Shoreland Management Standards that maintain or exceed Department of Natural Resources shoreline standards to protect the shoreland from undue hardcover and specifically protect the shore impact zone from structures and adverse consequences of development. The proposed expansion does not maintain or exceed the DNR shoreline standards.
- c) Though the property owner's proposed *manner of use* of the property is not permitted by the zoning ordinance without a variance, the proposed *manner of use* is NOT reasonable because: it further encroaches into a nonconforming setback and expands nonconforming structural impervious areas.
- d) The plight of the landowner-applicant is NOT due to circumstances unique to the property and not created by the landowner because: the expansion is a purely discretionary expansion further into the required setback where other conforming or less-nonconforming options exist.
- e) The variance, if granted, will not alter the essential character of the locality, because: the proposed expansion would remain consistent with the scope and scale of the surrounding properties.
- f) The variance, if granted, will not:
 - i. Impair an adequate supply of light and air to adjacent property;
 - ii. Unreasonably increase the congestion in the public street;
 - iii. Increase the danger of fire or endanger the public safety; or
 - iv. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this ordinance.

Variance Application



Person completing form: Property Owner Builder / Architect
 If you prefer to complete this form electronically, it is available at www.greenwoodmn.com.

Date application submitted	06-13-2018
Date application complete (office use only)	
Property address	21550 Excelsior Blvd - Greenwood, MN 55331
Property identification number (PID)	35-117-23-12-0032
Property owner's current mailing address	21550 Excelsior Blvd - Greenwood, MN 55331
Names of all property owners	David M. & Kimberly A. Barry
Cell phone and email of property owner(s)	(612) 749-1785 (cell) dbarry@lewisbolt.com (e-mail)
Name of builder / architect (if any)	Michael Sharratt
Company name of builder / architect	Sharratt Design & Co.
Cell phone and email of builder / architect	(612) 518-9008 (cell) and (952) 470-9750 (office)
Company address	464 Second Street - Suite 100, Excelsior, MN 55331
Present use of property	Residential - single family
Property acreage	0.39 acres (16,932 sq. ft.)
Existing variances or conditional use permits	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes – please attach a copy
Request is for	<input type="checkbox"/> New Construction <input type="checkbox"/> Addition <input type="checkbox"/> Remodel <input checked="" type="checkbox"/> Replace
The variance(s) are being requested to (e.g. build a garden shed)	Request to build new home on existing foundation due to fire.

Requested variance(s):

	Required*	Proposed	Difference
<input type="checkbox"/> Side Yard (feet)			
<input type="checkbox"/> Front Yard (feet)			
<input type="checkbox"/> Rear Yard (feet)			
<input checked="" type="checkbox"/> Lake Setback (feet)	50'	32'	18'
<input type="checkbox"/> Building Height (feet)			
<input type="checkbox"/> Structure Height (feet)			
<input type="checkbox"/> Wetland Setback (feet)			
<input type="checkbox"/> Bluff Setback (feet)			
<input type="checkbox"/> Maximum Above Grade Building Volume (cubic feet)			
<input type="checkbox"/> Hardcover (percentage)			
<input type="checkbox"/> Other:			

* See page 2 of the CUP & Variance Checklist document for the requirements for various zoning districts.

Making your case for the grant of a variance

Per state law and city code section 1155 (view at city hall or at www.greenwoodmn.com) any persons may request variances from the literal provisions of the zoning ordinance, shoreland management district ordinance, wetland ordinance, and other applicable zoning regulations in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration. A variance shall only be permitted when it is in harmony with the purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. Economic considerations alone shall not constitute practical difficulties.

"Practical difficulties," as used in connection with the granting of a variance, means:

- that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
- the plight of the landowner is due to circumstances unique to the property and not created by the landowner;
- and the variance, if granted, will not alter the essential character of the locality.

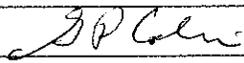
Establishing a "practical difficulty"

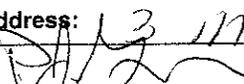
Please respond to each of the following questions. If you are unable to establish a "practical difficulty," please consider alternatives to your construction plans that may remove the need for a variance.

Is the variance in harmony with the purposes and intent of the ordinance?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: See attached
Is the variance consistent with the comprehensive plan?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: See attached
Does the proposal put the property to use in a reasonable manner?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: See attached
Are there unique circumstances to the property not created by the landowner?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: See attached
Will the variance alter the essential character of the locality?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: See attached
Will the variance impair an adequate supply of light and air to adjacent property?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: See attached
Will the variance unreasonably increase the congestion in the public street?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: See attached
Will the variance increase the danger of fire or endanger the public safety?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: See attached
Will the variance unreasonably diminish or impair established property values within the neighborhood?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: See attached

Adjacent property owners' acknowledgement: It is not required by ordinance, but applicants are highly encouraged to review plans with adjacent property owners and secure signatures in this section. Attach another page if there are more than 2 adjacent neighbors.

The undersigned acknowledges that we have reviewed the plans for the proposed improvements or proposed use of the property listed on page 1 of this document. We understand that by signing this acknowledgement, that we NOT being asked to declare approval or disapproval of the proposal, but merely are confirming for the city council that we aware of the plans and that we understand that the proposed project requires city council approval.

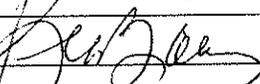
Neighbor #1 Address: 21500 Excelsior Blvd 55331	
Signature: 	Date: 6-13-18
Print Name: Greg Colvin	

Neighbor #2 Address: 13 MacLyan Rd Exc. 55331	
Signature: 	Date: 6-13-18
Print Name: Pat Graven	

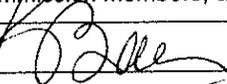
The undersigned contacted the following regulatory bodies and will seek approvals if required:

- (1) Lake Minnetonka Conservation District 952.745.0789 (2) Minnehaha Creek Watershed District 952.471.0590

Applicant's acknowledgement and signature(s): The undersigned hereby submits this application for the described action by the city and is responsible for complying with all city requirements with regard to this request. This application should be processed in my name, and I am the party whom the city should contact about this application. The applicant certifies that the information supplied is true and correct to the best of their knowledge. The undersigned also acknowledges that before this request can be considered and / or approved, all required information and fees must be paid to the city, and if additional fees are required to cover costs incurred by the city, the city has the right to require additional payment from one or more of the undersigned, who shall be jointly liable for such fees. An incomplete application will delay processing and may necessitate rescheduling the review timeframe. The application timeline commences once an application is considered complete when all required information and fees are submitted to the city. The applicant recognizes that they are solely responsible for submitting a complete application and that upon failure to do so, recognizes city staff has no alternative but to reject the application until it is complete or to recommend denial regardless of its potential merit. A determination of completeness of the application shall be made within 10 business days of the application submittal. A written notice of application deficiencies shall be mailed to the applicant with in 10 business days of application. I am the authorized person to make this application and the fee owner has also signed this application.

Signature: 	Date: 6-13-18
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Property owner's acknowledgement and signature: The undersigned is the fee title owner of the page 1 described property. I acknowledge and agree to this application and further authorize reasonable entry onto the property by city staff, consultants, agents, planning commission members, and city council members for purposes of investigation and verification of this request.

Signature: 	Date: 6-13-18
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Note: If the property owner is different than the applicant, signatures from the both the applicant and the property owner are required.

Variance Fee (nonrefundable)	\$450
Shoreland Management Review Fee (nonrefundable)	\$200
Total Amount Due (make check payable to the City of Greenwood)	\$600

For Office Use Only	Fee Paid: <input type="checkbox"/> Cash <input type="checkbox"/> Check #:	Amount \$
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David M. and Kimberly A. Barry
21550 Excelsior Boulevard
Greenwood, MN 55331

PRACTICAL DIFFICULTIES

We are back before you to re-request reasonable variances for construction of a fully new home on the existing foundation due to a fire, which destroyed the existing home and was previously proposed to remain.

Our practical difficulties are as follows:

1. The fire and destruction of the home and most personal possessions.
2. Existing legal non-conformities which are allowed to remain through replacement.
3. Non-conforming existing setbacks that previously were approved for variance (see attached).
4. Non-conforming hardcover that was reduced from the original existing total previously approved by variance (see attached).
5. An impact on time & schedule that the project must go through the variance/public hearings process completely repeated, though the request is virtually unchanged since we are staying on the existing foundation.

Permit #	FORM #5 Return this document to City Hall
Receipt #	



Building Volume Compliance Form

If you prefer to complete this form electronically, it is available at www.greenwoodmn.com.

Property Owner(s)	David M. & Kimberly A. Barry
Property Address	21550 Excelsior Boulevard Greenwood, MN 55331

Person completing this form: Property Owner Builder / Architect

Per code section 1140.18 (view at www.greenwoodmn.com or at city hall), no lot in the residential zones of the city may be host to principal and accessory buildings and structures whose above grade building volume (expressed in cubic feet) is greater than the following maximums:

- (1) Lots of 7500 square feet or less in area may be host to buildings, structures, and accessory structures whose above grade building volume is not greater than a volume equal to 6 times the lot area.
 - (2) Lots between 7500 square feet and 15,000 square feet in area may be host to buildings, structures, and accessory structures whose above grade building volume is not greater than a volume equal to 42,000 cubic feet plus a volume of cubic feet equal to a figure 4 times (lot area minus 7500 square feet).
 - (3) Lots greater than 15,000 square feet in area may be host to buildings, structures, and accessory structures whose above grade building volume is not greater than a volume equal to 75,000 cubic feet plus a volume of cubic feet equal to a figure 2 times (lot area minus 15,000 square feet).
- Exclusions: All space above unroofed structures such as decks, patios, and wholly in-ground, at grade, pools with no exposed sides shall be excluded from the calculation of building volume.
 - Inclusions: Enclosed or unenclosed porches or porticos shall be included in the total volume of the building.
 - Building Perimeter Grade means the average of all elevation measurements taken off the finished grade or surface of the ground, sidewalk or paving around the perimeter of a building or structure at (a) points 5 feet distant and perpendicular to the building perimeter commencing at the most northerly corner thereof and thence clockwise at similarly situated points every 10 feet around the building perimeter, (b) the point of highest grade within 5 feet of the building perimeter and (c) the point of lowest grade within 5 feet of the building perimeter.

Exemption for small projects: The proposed improvements involve an area equal to 20% or less of the first floor of the principal structure, therefore I request the city zoning administrator waive the requirement to submit the additional survey requirements and the "above grade building volume" calculation.

The "above grade building volume" calculation for the property is:	660,473 CF
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Sworn Statement: The undersigned hereby submits this "sworn statement" that the "above grade building volume" calculation is prepared in conformance with the provisions of code section 1140.18. In the event of inaccuracies, misstatements, incomplete information, or errors in the application and/or supporting materials, the city may issue stop work orders, or delay action on applications pending receipt of corrected or additional information. The undersigned assumes all risk of loss or expenses caused by any such deficiency, delay, or structural changes required to cause the structure to come into code compliance.

Signature		Date: 06-13-2018
Print Name	MICHAEL SHARRITT	

As-Built Construction Statement (to be signed prior to a certificate of occupancy being issued): The undersigned hereby submits this "sworn statement" and the attached as-built plans verifying the "above grade building volume" of the structure conforms to code section 1140.18.

Signature		Date:
Print Name		

Form Updated 10-27-14

Permit #	FORM #12 Return this document to City Hall
Receipt #	



Shoreland Management Worksheet

If you prefer to complete this form electronically, it is available at www.greenwoodmn.com.

Property Owner(s)	David M. & Kimberly A. Barry
Property Address	21550 Excelsior Blvd - Greenwood, MN 55331

Person completing this form: Property Owner Builder / Architect

Per the Construction Site Management ordinance (section 305.00 subd 2b) a Shoreland Management Worksheet is required for building projects \$10,000+. Per section 1176.03, subd. 3 & 10, a Shoreland Compliance Review is required for all properties within 1,000 feet of the Ordinary High Water Level of Lake Minnetonka (all properties in the city). **Fee: \$200. Collected on Form #1.**

The proposed project includes the following (check all that apply):

- Repair
- Improve
- Change or alter use of land
- Change size or shape of lot
- Erect a structure
- Expand impervious surface
- Install or maintain water line
- Install or maintain sewer line
- Grade or fill
- Remove vegetation
- Trim vegetation

Current lot size (square feet)	16,932 SF
Proposed lot size (square feet)	16,932 SF
Dimensions of proposed structure(s)	44'-8" x 65'-6" (MAX HOUSE) 24'-4" x 39'-0" (MAX GARAGE)
Total square footage of proposed structure(s)	2509 SF
Percent of existing hardcover	42.3% (PREVIOUS - PER SURVEY)
Total hardcover including proposed hardcover	37.6% (PROPOSED)
Amount of fill to be added (cubic yards)	0
Amount of soil to be removed (cubic yards)	0
Type and area of vegetation to be removed	NONE

The undersigned hereby certifies that the above information is true and correct to the best of his / her knowledge.

Signature		Date: 06-13-2018
Print Name	Michael Sharratt	

Form Updated 10-27-14

RESOLUTION NO 30-17

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA
ACTING AS THE BOARD OF APPEALS & ADJUSTMENTS

In Re: Application of David and Kimberly Barry for the property at 21550 Excelsior Boulevard for a variance from Greenwood ordinance code sections 1120.15, 1140.20(5)(D), and 1176.04 (Subd. 3(3)(a)) in conjunction with the attachment of a currently detached garage to the principal structure and the expansion of the existing nonconforming garage.

David and Kimberly Barry, applicants, are the owners of property commonly known as 21550 Excelsior Boulevard, Greenwood, Minnesota 55331 (PID No. 35-117-23-12-0032) being real property in Hennepin County Minnesota and legally described as follows:

That part of Tract G of Registered Land Survey No. 593, Hennepin County Minnesota, lying Northerly of a line running from a point on the Easterly line thereof distant 70.00 feet Northerly measured along the Easterly line from the southeasterly corner thereof to the point of intersection of the Westerly line of said Tract G with the North line of the South 94.71 feet of Tract I in said Registered Land Survey No. 593; also that part of Tract H in said Registered Land Survey No. 593 lying Westerly of a line running at right angles from the Southerly line thereof at a point distant 9.94 feet Easterly from the Southwesterly corner thereof and that part of Lot A, Partridge Heights, Hennepin County, Minnesota, lying Westerly of a line running Southerly at right angles from the Southerly line of Tract H in said Registered Land Survey No. 593, at a point 9.94 feet Easterly from the Southwesterly corner of said Tract H.

WHEREAS, application was made for variance to zoning code sections 1120.15, 1140.20(5)(D), and 1176.04 (Subd. 3(3)(a)) in conjunction with the attachment of a currently detached garage to the principal structure and the expansion the existing nonconforming garage; and

WHEREAS, notice of a public hearing was published, notice given to neighboring property owners, and a public hearing was held before the planning commission to consider the application; and

WHEREAS, public comment was taken at the public hearing before the planning commission on November 15, 2017; and

WHEREAS, the city council of the city of Greenwood has received the staff report, the recommendation of the planning commission, and considered the application, the comments of the applicants, and the comments of the public.

NOW, THEREFORE, the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments does hereby make the following:

FINDINGS OF FACT

1. That the real property located at 21550 Excelsior Boulevard, Greenwood, Minnesota 55331 (PID No. 35-117-23-12-0032) is a single-family lot of record located within the R-1A district.

The applicants propose attaching the existing house to the existing garage, to be built over existing landscape-related impervious area. Section 1176.04 (Subd. 3(3)(a)) limits the maximum impervious area for all residential properties to 30% as a percentage of lot area. The survey submitted for the request shows the property is currently at 42.3% impervious. While no expansion of impervious surface area is proposed, the proposal does convert areas of at grade impervious into structural impervious. Section 1176.07.05 (Subd. 4) does not permit exchanging nonconforming landscape-related impervious surfaces for an increase in structural-related impervious surfaces. **Applicants are seeking a variance to expand 138 square feet of structural-related impervious surfaces.**

2. The applicants propose the expansion of a nonconforming garage that encroaches into the lake yard setback. Section 1120.15 of the city code requires a lake yard setback of 50 feet and the applicants are proposing a setback of 36 feet, 8 inches. **Applicants are seeking a variance of 13 feet, 4 inches from the lake yard setback.**

3. Applicants are proposing a garage eave overhang of 5 feet. Section 1140.20(5)(D) of the Greenwood Zoning Code limits eave encroachments to 30 inches. **Applicants are seeking a variance of 30 inches from the maximum permitted eave encroachment.**

4. Greenwood ordinance section 1155.10, subd 4, 5 & 6 states:

"Subd. 4. Practical Difficulties Standard. "Practical difficulties," as used in connection with the granting of a variance, means:

- (a) that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
- (b) the plight of the landowner is due to circumstances unique to the property and not created by the landowner;
- (c) and the variance, if granted, will not alter the essential character of the locality

Economic considerations alone shall not constitute practical difficulties.

Subd. 5. Findings. The board, in considering all requests for a variance, shall adopt findings addressing the following questions:

- (a) Is the variance in harmony with the purposes and intent of the ordinance?
- (b) Is the variance consistent with the comprehensive plan?
- (c) Does the proposal put property to use in a reasonable manner?
- (d) Are there unique circumstances to the property not created by the landowner?
- (e) Will the variance, if granted, alter the essential character of the locality?

Subd. 6. Practical Difficulties Considerations. When determining reasonable manner or essential character, the board will consider, but will not be limited to, the following:

- (a) Impair an adequate supply of light and air to adjacent property.
- (b) Unreasonably increase the congestion in the public street.
- (c) Increase the danger of fire or endanger the public safety.
- (d) Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this ordinance."

5. The applicants assert that the proposed variance request complies with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6.

6. The planning commission, on a 6-0 vote, recommended the council approve the request of David and Kimberly Barry to vary from city code sections 1120.15, 1140.20(5)(D), and 1176.04 (Subd. 3(3)(a)) to encroach into the lake yard setback, exceed the maximum permitted eave encroachment, and to expand structural-related impervious surfaces in order to attach a currently detached garage to the principal structure and the expand the existing nonconforming garage, as proposed, for the property at 21550 Excelsior Boulevard, Greenwood, Minnesota 55331.

- (a) The variance will be in harmony and keeping with the spirit and intent of the zoning ordinance because the purpose and intent of the ordinance is to allow the orderly development and redevelopment of property within the city and when the ordinance standards cannot be met, it outlines the procedures to vary from these standards. The applicant is seeking to vary from the setback standards in order to complete an otherwise zoning code compliant addition that would not be possible due to the small buildable area on the property created by multiple lake yard setbacks.
- (b) The variance will be consistent with the comprehensive plan's guiding use for the subject property in the applicable zoning because of the character of the proposed use is consistent with the applicable zoning.
- (c) Though the property owner's proposed *manner of use* of the property is not permitted by the zoning ordinance without a variance, the proposed *manner of use* is reasonable because it maintains the single family nature of the property at a scope and scale consistent with the zoning standards. The proposal is a modest expansion of existing conditions.
- (d) The plight of the landowner-applicant is due to circumstances unique to the property and not created by the landowner because the property has multiple lake yard setbacks limiting the ability to build without encroaching. The garage is an existing nonconformity, and any expansion would also expand the encroachment.
- (e) The variance will not alter the essential character of the locality, because the proposed expansion would remain consistent with the scope and scale of the surrounding properties.
- (f) The variance will not:
 - i. Impair an adequate supply of light and air to adjacent property;
 - ii. Unreasonably increase the congestion in the public street;
 - iii. Increase the danger of fire or endanger the public safety; or
 - iv. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this ordinance.

The recommendation is conditioned that:

- (a) The project must be completed according to the specifications and design requirements in the submitted plans.
- (b) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

7. Based on the foregoing and the fact that the setback encroachment is on a dead end waterway lying principally between 21550 Excelsior Boulevard and 3 MacLynn Road with the other property at 3 MacLynn Road having substantial portions of its structure less than 30 feet from the dead end waterway water line, the city council determined that the variance request complies with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6.

And the city council has determined that the following conditions should be imposed on any variance grant:

- (a) The project must be completed according to the specifications and design requirements in the submitted plans.
- (b) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.
- (c) The 791 square feet of landscaping plastic shown as proposed hardcover on the survey drafted October 20, 2017 will be removed to reduce the total hardcover percentage to 37.6% of the lot area.

CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the city council acting as the Board of Appeals & Adjustments makes the following conclusions of law:

The applicant has made an adequate demonstration of facts meeting the standards of section 1155.10 necessary for the granting of variances from sections 1120.15, 1140.20(5)(D), and 1176.04 (Subd. 3(3)(a)) and therefore variances from: section 1120.15 to encroach into the lake yard setback by 13 feet, 4 inches; section 1140.20(5)(D) to exceed the maximum permitted eave encroachment by 30 inches; and section 1176.04 (Subd. 3(3)(a)) to expand 138 square feet of structural-related impervious surfaces in order to attach a currently detached garage to the principal structure and expand the existing nonconforming garage should be **APPROVED**.

VOW, THEREFORE, BE IT RESOLVED by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments:

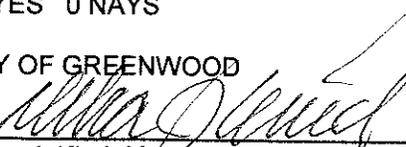
That the application of David and Kimberly Barry for the property at 21550 Excelsior Boulevard, Greenwood, Minnesota 55331 for variances from: section 1120.15 to encroach into the lake yard setback by 13 feet, 4 inches; section 1140.20(5)(D) to exceed the maximum permitted eave encroachment by 30 inches; and section 1176.07.05 (Subd. 4) to exchange 138 square feet of landscape-related impervious surfaces for structural-related impervious surfaces in order to attach a currently detached garage to the principal structure and expand the existing nonconforming garage is **APPROVED** subject to the following conditions:

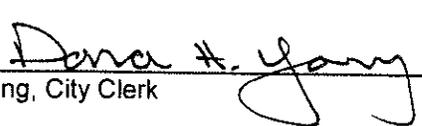
- (a) The project must be completed according to the specifications and design requirements in the submitted plans.
- (b) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.
- (c) The 791 square feet of landscaping plastic shown as proposed hardcover on the survey drafted October 20, 2017 will be removed to reduce the total hardcover percentage to 37.6% of the lot area.

PASSED this 6th day of December, 2017 by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments for the city of Greenwood, Minnesota.

4 AYES 0 NAYS

CITY OF GREENWOOD

By: 
Debra J. Kind, Mayor

Attest: 
Dana Young, City Clerk

Dale Cooney

From: teri haugland <teri@terihaugland.com>
Sent: Sunday, July 01, 2018 4:44 PM
To: dalec@mediacombb.net
Cc: dkind100@me.com; plucking@idimn.com
Subject: Comments re: variance request 21550 Excelsior Blvd.
Attachments: Barry variance letter of support.docx

Date: July 1, 2018

To: Greenwood Planning Commissioners, Mayor and City Council Members

From: Teri Haugland and Winston Yonan, 4 MacLynn Rd., Excelsior

RE: Variance request - 21550 Excelsior Blvd.

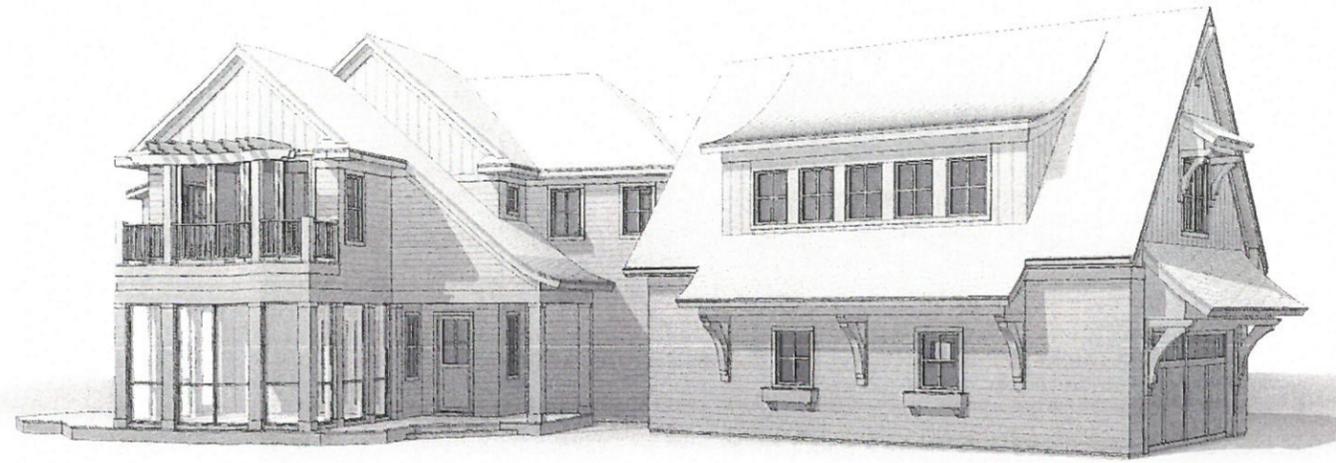
We received the notice of the public hearing for the variance request for this property. We were surprised to learn that the Barrys were going to have to delay the construction of their home because the City required another variance process. We have reviewed the plans, are familiar with the previous variance request, which was granted, and we do not see any significant changes. Our position on the earlier variance was that it was warranted due to the odd-shaped lot, the plan for the new garage was sensitive to the surrounding homes, there was no negative impact on the adjoining or nearby properties, the Barrys are excellent stewards of the lake, and we had no objections. As before, we support the plans for the new home for the same reasons.

On a more human note: Kim and Dave suffered a terrible loss with the destruction of most of their personal possessions, including irreplaceable photos and videos of their daughter's and son's childhood and other cherished family heirlooms. We can only imagine the sense of loss they felt when they were able to re-enter their home after the fire. Heartbreaking. We mention this to humbly request that you expedite their request to the extent possible. They need to re-build their home to find some semblance of normalcy.

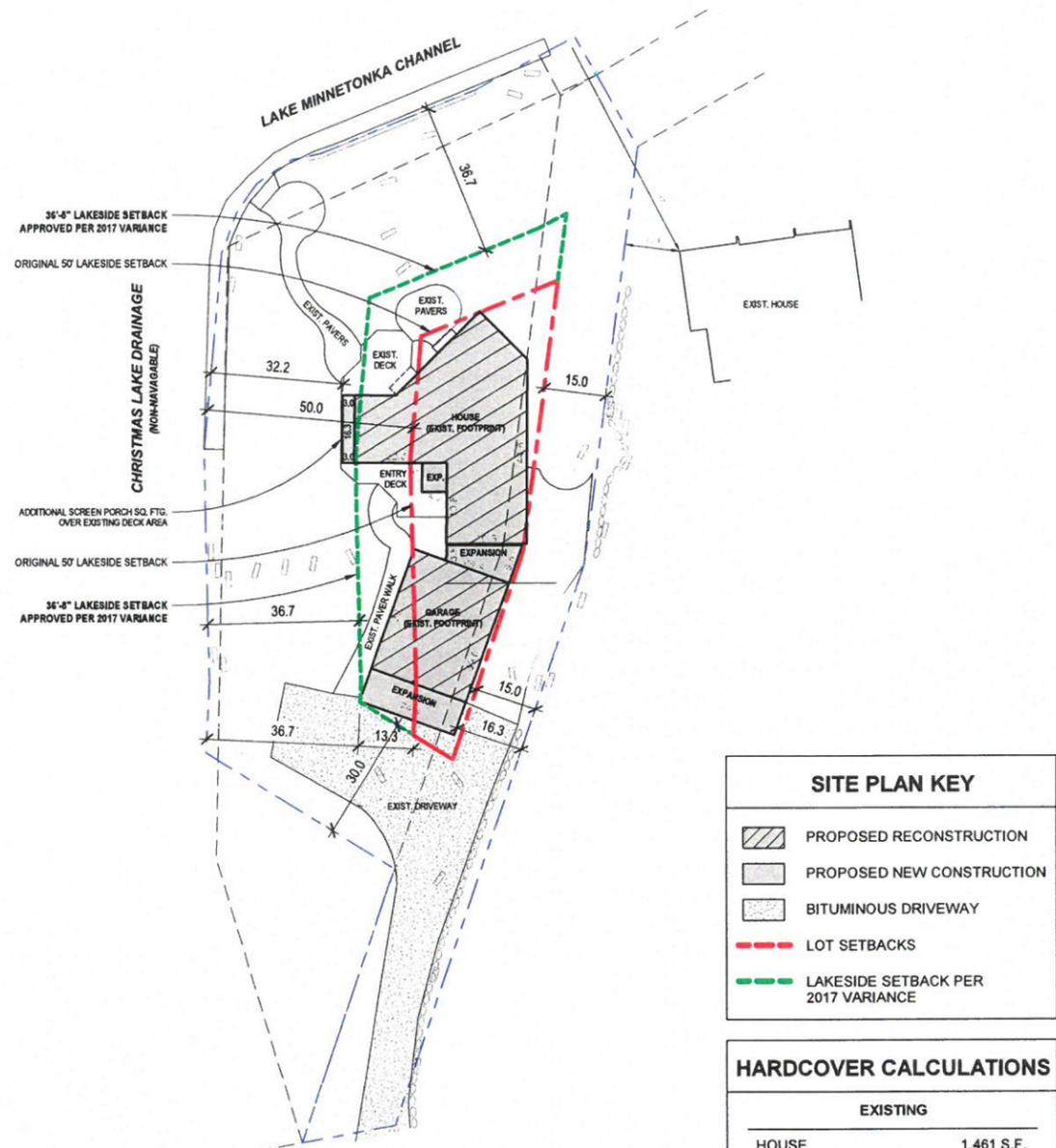
Please feel free to contact us with any questions.

Teri Haugland - 612-232-8354 - teri@terihaugland.com

Winston Yonan - 612-232-8254 - yonan4141@gmail.com



SOUTHWEST PERSPECTIVE



SITE PLAN KEY	
	PROPOSED RECONSTRUCTION
	PROPOSED NEW CONSTRUCTION
	BITUMINOUS DRIVEWAY
	LOT SETBACKS
	LAKESIDE SETBACK PER 2017 VARIANCE

HARDCOVER CALCULATIONS	
EXISTING	
HOUSE	1,461 S.F.
GARAGE	748 S.F.
EXISTING DECKS	658 S.F.
LANDSCAPE W/ PLASTIC	827 S.F.
BITUM. DRIVEWAY	2,395 S.F.
PAVER SURFACES	973 S.F.
RET. WALLS	99 S.F.
TOTAL	7,161 S.F.
AREA OF LOT TO O.H.W.	16,932 S.F.
% HARDCOVER	42.3 %
PROPOSED	
TOTAL HOUSE	1,617 S.F.
TOTAL GARAGE	952 S.F.
EXISTING DECKS	612 S.F.
LANDSCAPE W/ PLASTIC	0 S.F.
BITUM. DRIVEWAY	2,219 S.F.
PAVER SURFACES	871 S.F.
RET. WALLS	99 S.F.
TOTAL	6,370 S.F.
AREA OF LOT TO O.H.W.	16,932 S.F.
% HARDCOVER	37.6 %

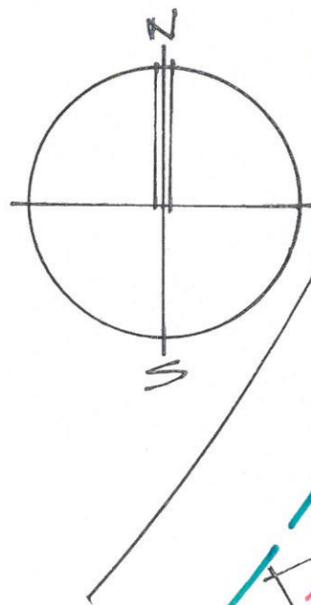
VOLUME CALCULATIONS	
EXISTING	≈ 42,200 C.F.
PROPOSED	≈ 66,473 C.F.
TOTAL ALLOWABLE	≈ 78,864 C.F.
FOR LOTS GREATER THAN 15,000 SQUARE FEET IN AREA, TOTAL ALLOWABLE VOLUME MUST BE NO GREATER THAN 75,000 CUBIC FEET PLUS A VOLUME OF CUBIC FEET EQUAL TO A FIGURE 2X (LOT AREA MINUS 15,000 SQUARE FEET).	

GENERAL NOTES

- THESE DRAWINGS MAKE UP THE ARCHITECTURAL SET OF THE CONTRACT DOCUMENTS. GENERAL CONTRACTOR IS RESPONSIBLE FOR PROVIDING ANY ADDITIONAL DETAILS REQUIRED FOR CONSTRUCTION.
- WARRANTIES SHALL BE IN ACCORDANCE WITH STATE MINIMUM STANDARDS. REGISTERED BUILDER PROGRAMS AND/OR PRODUCT WARRANTIES TO BE PROVIDED BY PRODUCT MANUFACTURERS. LIABILITY AND WORKERS COMPENSATION CERTIFICATE OF INSURANCE WILL BE REQUIRED FROM ALL SUBCONTRACTORS.
- GENERAL CONTRACTOR AND ALL SUBCONTRACTORS SHALL VERIFY AND COORDINATE ALL CONDITIONS AND DIMENSIONS PRIOR TO WORK. GENERAL CONTRACTOR TO CONTACT GORNER ONE TO VERIFY LOCATIONS OF ALL UNDERGROUND ELECTRICAL, UTILITIES, SEWER, CABLE, GAS, ETC. PRIOR TO COMMENCING WORK. IMMEDIATELY REPORT AND/OR REVIEW ALL QUESTIONS, DISCREPANCIES, AND CONDITIONS WITH THE OWNER/ARCHITECT PRIOR TO PROCEEDING WITH WORK.
- ALL CONSTRUCTION AND/OR MATERIALS AS INDICATED SHALL BE AT OR ABOVE INDUSTRY STANDARDS FOR SIMILAR CUSTOM RESIDENTIAL CONSTRUCTION.
- ALL CONSTRUCTION WORK SHALL CONFORM TO ALL APPLICABLE CODES.
- ALL SURVEY DATA, SOIL DATA, MECHANICAL, ELECTRICAL, AND STRUCTURAL ENGINEERING OF SYSTEMS, SIZES, AND LAYOUTS (INCLUDING TRUSS FRAMING AND GIDER DESIGN) SHALL BE BY THE RESPECTIVE SUBCONTRACTOR AND/OR SUPPLIER OF THOSE SYSTEMS OR BY OTHER NECESSARY CONSULTANTS AND SHALL BE COORDINATED BY THE GENERAL CONTRACTOR. INFORMATION SHOWN IN REGARD TO THESE CONCERNS IS ONLY DIAGNOSTIC AND IS INTENDED TO PROVIDE AN INDICATION OF THE DESIGN INTENT ONLY. USE OF CONSULTANT DATA BY SCC DOES NOT IMPLY NOR ENDORSE THE ACCURACY OF THE DATA. EACH CONSULTANT AND CONTRACTOR SHALL BE RESPONSIBLE FOR CORRECTNESS AND ACCURACY OF DATA SUPPLIED BY THE RESPECTIVE CONSULTANT AND/OR CONTRACTOR.
- GENERAL CONTRACTOR SHALL COORDINATE AND SITE THE BUILDING PER THE RECENT LEGAL SURVEY. GENERAL CONTRACTOR SHALL NOTIFY OWNER/ARCHITECT/ENGINEER OF ANY DISCOVERED DISCREPANCIES PRIOR TO ANY SITE WORK. DESIGN OF TOPOGRAPHY SHOWN DEPICTS DESIGN INTENT ONLY. FINAL GRADING AND SITE DRAINAGE IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR AND LANDSCAPER. G.C. LANDSCAPER TO COORDINATE GARDENS AND DRAINAGE WITH NEIGHBORING PROPERTIES, LEGAL SURVEY, AND APPLICABLE CODES.
- GENERAL CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR SHOWING AND BRACING AND FOR ALL TEMPORARY FACILITIES AND SERVICES, INCLUDING BUT NOT LIMITED TO POWER, WATER, TELEPHONE, FAX, SANITATION FACILITIES, SITE SAFETY, AND FIRE FIGHTING EQUIPMENT.
- GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR ALL REQUIRED EROSION CONTROL, MEASURES AND ANY SPECIFIC ENVIRONMENTAL IMPACT ISSUES ARISING FROM CONSTRUCTION ON THE SITE.
- GENERAL CONTRACTOR SHALL MAINTAIN THE SITE IN FIRST-CLASS CONDITION DURING THE PROJECT. ALL WASTE AND DEBRIS SHALL PROMPTLY BE REMOVED. CONSTRUCTION SHALL BE GIVEN TO MATERIAL STORAGE ON THE SITE AND ITS IMPACT ON ADJOINING NEIGHBORS.
- GENERAL CONTRACTOR SHALL PROVIDE FINAL CLEANING OF ALL INTERIOR AND EXTERIOR SURFACES. ALL TRANSPARENT MATERIALS AND GLOSSY SURFACES ARE TO BE LEFT IN A POLISHED CONDITION. REMOVE ALL LABELS THAT ARE NOT INTENDED TO REMAIN AS PERMANENT INSTRUCTION INFORMATION.
- GENERAL CONTRACTOR SHALL PROVIDE INSTRUCTIONS TO THE OWNER PERTAINING TO OPERATION AND MAINTENANCE OF MECHANICAL AND ELECTRICAL EQUIPMENT. AT COMPLETION OF CONSTRUCTION, COMPLETE AND FORWARD TO THE OWNER ALL MAINTENANCE AND OPERATIONS DATA AND WARRANTIES IN THE FORM OF A WELL-ORGANIZED OWNER'S NOTEBOOK.
- ROOF TRUSS SYSTEM DESIGN TO BE PROVIDED BY TRUSS SUPPLIER. TRUSS SUPPLIER TO COORDINATE FINAL TRUSS SOLUTION WITH PROJECT STRUCTURAL ENGINEER. TRUSS SUPPLIER TO COORDINATE TRUSS DESIGN WITH ENERGY CODE REQUIREMENTS.
- ALL WINDOW DESIGNATIONS ARE FOR MARVIN WINDOWS. CONTRACTOR MAY PROVIDE BID ALTERNATE FOR OTHER WINDOW MANUFACTURERS INCLUDING LOEWEN. SUPPLIER TO SUBMIT WINDOW SPEC SHEET TO GENERAL CONTRACTOR AND OWNER FOR REVIEW AND APPROVAL PRIOR TO PLACING WINDOW ORDER. GENERAL CONTRACTOR TO CONFIRM TEMPERED GLASS LOCATIONS, EGRESS AND VENT WINDOW REQUIREMENTS, LITE PATTERNS, WINDOW SIZES, WINDOW OPERATION, JAMB SIZES, EXTENSION JAMBS, ETC. W/ OWNER PRIOR TO WINDOW ORDER. WINDOWS ARE TO BE PREFINISHED METAL CLAD WINDOWS WITH DOUBLE-PANE LOW-E INSULATED GLASS, AND SHIMULATED DIVIDED LITES WITH SPACER BARS (SEE EXTERIOR ELEVATIONS FOR LITE PATTERNS LOCATIONS). PREFINISHED COLOR AND HARDWARE FINISH AS SELECTED BY OWNER. ALTERNATE MANUFACTURERS WINDOWS SHALL BE SIMILAR IN SIZE AND SPECIFICATION TO THOSE INDICATED ON THE PLAN. WINDOW MANUFACTURER SHALL SUBMIT SHOP DRAWINGS OF WINDOWS AND DOORS FOR REVIEW BY GENERAL CONTRACTOR AND OWNER PRIOR TO FABRICATION.
- CABINET DRAWINGS SHOWN HERE ARE NOT CABINET SHOP DRAWINGS, BUT DEPICT DESIGN INTENT ONLY. CABINET MANUFACTURER TO COORDINATE FINAL CABINET DESIGN WITH OWNER PREFERENCES, AS-BUILT DIMENSIONS (WITH FIELD CHANGES MADE DURING CONSTRUCTION), FINAL MILLWORK PROFILES, FINAL COUNTERTOP THICKNESSES AND DESIGNS, AND FINAL APPLIANCE AND FIXTURE SELECTIONS. CABINET MAKER TO VERIFY END PANEL DESIGN AND CABINET CLEARANCES WITH OWNER PRIOR TO CABINET FABRICATION. CABINET MAKER TO MEET WITH OWNER TO DISCUSS AND VERIFY ALL DRAWER AND CABINET DIVISIONS AND USES, INCLUDING PULL-OUT LOCATIONS, LAZY SUSAN LOCATIONS, COST RAMIFICATIONS, HARDWARE TYPES AND QUALITY, AND ANY OTHER SUGGESTIONS THE CABINET MAKER OR OWNER MAY HAVE FOR MAXIMIZING CABINETRY EFFICIENCY AND EASE OF USE.
- SUBCONTRACTORS TO REFER TO OWNER-APPROVED CABINET SHOP DRAWINGS PRIOR TO ROUGH FRAMING FOR CABINETS/ BUILT-INS. REPORT ANY DISCREPANCIES TO G.C./CABINET MAKER PRIOR TO PROCEEDING WITH WORK.
- GENERAL CONTRACTOR TO COORDINATE OWNER'S REVIEW AND APPROVAL OF SAMPLES OF ALL INTERIOR AND EXTERIOR FINISH MATERIALS, INCLUDING PROFILES, SIZES, SPECIES, MORTAR AND GROUT COLORS, JOINT SIZES, FINISHES, AND COLORS PRIOR TO ORDERING OF SAME. SAMPLES TO BE PROVIDED ON-SITE WHEN OWNER DEEMS NECESSARY, AND IN SIZES LARGE ENOUGH TO SEE IN THE FINAL SPACES (E.G. 4"x4" WALL PAINT SAMPLES AND STAINED AND FINISHED 3-BOARD WOOD FLOOR SAMPLES). G.C. TO COORDINATE OWNER'S REVIEW AND APPROVAL OF FULL-SIZE MOCK-UPS OF ALL INTERIOR AND EXTERIOR CASINGS, TRIM, NEVELS, AND RAILINGS PRIOR TO CONTRACTOR ORDERING OF SAME (ON-SITE WHEN OWNER DEEMS NECESSARY). OWNER TO REVIEW AND APPROVE FULL-SIZE MOCK-UPS OF ALL STONE ON SITE, INCLUDING STONE SIZE & SPECIES, MORTAR JOINT SIZE, MORTAR COLOR, STONE STACKING, CAP SPECIES, AND SIZE. STONE SAMPLES TO BE DISPLAYED ALONGSIDE RELEVANT INTERIOR AND EXTERIOR FINISH MATERIALS, AS REQUIRED FOR FINAL COLOR PALETTE COORDINATION. G.C. TO COORDINATE OWNER'S COUNTERTOP SELECTIONS, AND TO VERIFY THAT NATURAL STONE SLABS THAT OWNER SELECTS ARE PROPERLY STORED AND USED IN THE FINAL PROJECT.
- DIMENSIONS LOCATING EXTERIOR WALLS ARE TO THE EXTERIOR FACE OF STUD AND/OR FACE OF FOUNDATION WALLS, UNLESS OTHERWISE NOTED. DIMENSIONS LOCATING INTERIOR WALLS ARE TO CENTERLINE OF STUD, UNLESS OTHERWISE NOTED. DIMENSIONS LOCATING DOORS AND WINDOWS ARE TO CENTERLINE OF OPENING, UNLESS OTHERWISE NOTED. SEE DIMENSION KEYS ON ARCHITECTURAL DRAWINGS FOR ADDITIONAL INFORMATION.
- ALL EXTERIOR WALLS SHALL BE 2x6 PER BUILDING SECTIONS, UNLESS OTHERWISE NOTED. ALL BEARING WALLS, PLUMBING WALLS, AND WALLS WITH POCKET DOORS TO BE 2x6 CONSTRUCTION, UNLESS OTHERWISE NOTED. ALL OTHER WALLS TO BE 2x4 OR 2x6 CONSTRUCTION TO THICKNESSES SHOWN ON ARCHITECTURAL AND STRUCTURAL DRAWINGS, UNLESS OTHERWISE NOTED. HEADERS SHALL BE SIZED PER STRUCTURAL PLANS, OR COORDINATED WITH STRUCTURAL ENGINEER. BLOCKING AS REQUIRED FOR CABINETS, BATH AND KITCHEN HARDWARE AND ACCESSORIES, HANDRAILS, ETC. VERIFY WITH G.C. PRIOR TO FRAMING.
- PROVIDE ACOUSTIC INSULATION AND PARTITIONS PER ARCHITECTURAL DRAWINGS. CONTRACTOR TO VERIFY ADDITIONAL ACOUSTIC INSULATION, CEILING ACOUSTIC INSULATION, AND ACOUSTIC PARTITION LOCATIONS WITH OWNER PRIOR TO VAPOR BARRIER & DR-WALL INSTALLATION. ACOUSTIC CONSIDERATION TO BE GIVEN TO HVAC DUCT LAYOUTS AND PLUMBING LOCATIONS, AND ACOUSTIC DAMPENERS TO BE PROVIDED TO HVAC SYSTEM AND PLUMBING WASTE STACKS (VERIFY CAST IRON LOCATIONS WITH OWNER) AS REQUIRED TO MINIMIZE SOUND TRANSMISSION.
- PLUMBING ROUGH-IN DIMENSIONS ARE PROVIDED FOR REFERENCE ONLY. ALL PLUMBING DIMENSIONS ARE TO BE COORDINATED BY THE GENERAL CONTRACTOR WITH SPECIFIC FIXTURE SELECTIONS AND FINAL CABINET DESIGN. ALL FLOOR DRAINS CONNECTED TO SANITARY SEWER TO HAVE BACK-FLOW PREVENTERS INSTALLED.
- MECHANICAL EQUIPMENT & CONTROL LOCATIONS TO BE VERIFIED WITH OWNER PRIOR TO INSTALLATION - SEE DRAWINGS FOR PROPOSED LOCATIONS. MAKEUP AIR TO BE PROVIDED AS PER IBC AND ANY OTHER APPLICABLE CODES. SUPPLY AND RETURN REGISTER COVERS TO BE APPROVED BY OWNER - ASSUME FLUSH WOOD GRANTS TO MATCH WOOD FLOOR SPECIES & FINISH FOR BLDG. WHERE AFFECTED BY MECHANICAL DUCTS AND EQUIPMENT, CEILING HEIGHTS AND SOFFIT SIZES AND LOCATIONS TO BE APPROVED BY OWNER PRIOR TO INSTALLATION OF HVAC DUCTS AND EQUIPMENT.

ARCHITECTURAL SITE PLAN

1" = 20'-0"



-  30' SETBACK FROM OHW: CONFORMING. = 10
-  50' SETBACK FROM OHW: CONFORMING. = 3
-  INSIDE 30' SETBACK IN NON-NAVIGABLE WATER = 2

1 inch = 50' SCALE

PARCEL ID: 3511723120032

Comments: BARRY HOME.
SETBACK STUDY.
SDC 10/11/2017

LEGAL DESCRIPTION:

That part of Tract G of Registered Land Survey No. 593, Hennepin County Minnesota, lying Northerly of a line running from a point on the Easterly line thereof distant 70.00 feet Northerly measured along the Easterly line from the southeasterly corner thereof to the point of intersection of the Westerly line of said Tract G with the North line of the South 94.71 feet of Tract I in said Registered Land Survey No. 593; also that part of Tract H in said Registered Land Survey No. 593 lying Westerly of a line running at right angles from the Southerly line thereof at a point distant 9.94 feet Easterly from the Southwesterly corner thereof and that part of Lot A, Partridge Heights, Hennepin County, Minnesota, lying Westerly of a line running Southerly at right angles from the Southerly line of Tract H in said Registered Land Survey No. 593, at a point 9.94 feet Easterly from the Southwesterly corner of said Tract H.

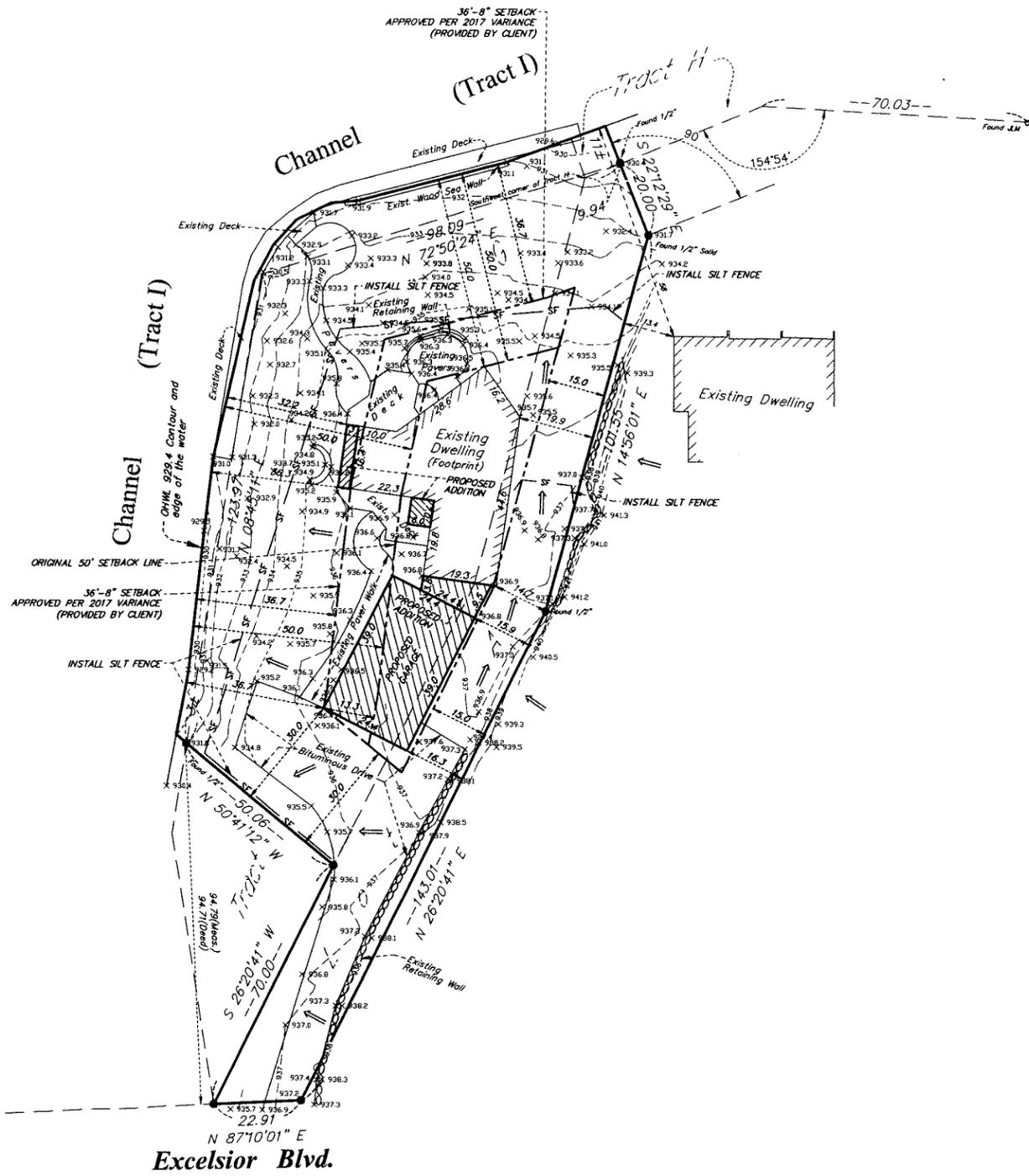
Total Area = 16,932 square feet or 0.388 acres (measured to OHWL)

SCOPE OF WORK & LIMITATIONS:

- Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
- Showing the location of observed existing improvements we deem necessary for the survey.
- Setting survey markers or verifying existing survey markers to establish the corners of the property.
- Showing and tabulating impervious surface coverage of the lot for your review and for the review of such governmental agencies that may have jurisdiction over these requirements to verify they are correctly shown before proceeding with construction.
- Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction.
- Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.
- While we show a proposed location for this home or addition, we are not as familiar with your proposed plans as you, your architect, or the builder are. Review our proposed location of the improvements and proposed yard grades carefully to verify that they match your plans before construction begins. Also, we are not as familiar with local codes and minimum requirements as the local building and zoning officials in this community are. Be sure to show this survey to said officials, or any other officials that may have jurisdiction over the proposed improvements and obtain their approvals before beginning construction or planning improvements to the property.
- While we show the building setback lines per the City of Greenwood web site, we suggest you show this survey to the appropriate city officials to be sure that the setback lines are shown correctly. Do this BEFORE you use this survey to design anything for this site. Additional setback information provided by client.

STANDARD SYMBOLS & CONVENTIONS:

"●" Denotes iron survey marker, set, unless otherwise noted.



LEGEND

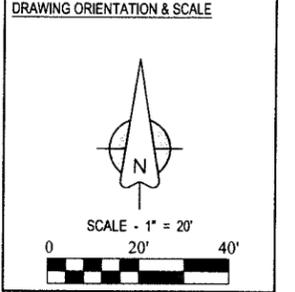
EXISTING CONTOUR	--- 935 ---
EXISTING SPOT ELEVATION	x 935.5
DRAINAGE ARROW - FLOW	⇒
SILT FENCE/BIO ROLL	— SF —

NOTE: NO TREES WILL BE DISTURBED

EXISTING HARDCOVER		PROPOSED HARDCOVER	
House	1,461 Sq. Ft.	House	2,584 Sq. Ft.
Existing Decks	658 Sq. Ft.	Existing Decks	630 Sq. Ft.
Landscaping w/ Plastic	827 Sq. Ft.	Bituminous Driveway	2,219 Sq. Ft.
Bituminous Driveway	2,395 Sq. Ft.	Paver Surfaces	825 Sq. Ft.
Garage	748 Sq. Ft.	Ret. Walls	99 Sq. Ft.
Paver Surfaces	973 Sq. Ft.		
Ret. Walls	99 Sq. Ft.		
TOTAL EXISTING HARDCOVER	7,161 Sq. Ft.	TOTAL PROPOSED HARDCOVER	6,357 Sq. Ft.
AREA OF LOT TO OHW	16,932 Sq. Ft.	AREA OF LOT TO OHW	16,932 Sq. Ft.
PERCENTAGE OF HARDCOVER TO LOT	42.3%	PERCENTAGE OF HARDCOVER TO LOT	37.5%

I HEREBY CERTIFY THAT THIS PLAN, SURVEY OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Thomas M. Bloom
Thomas M. Bloom
42379
LICENSE NO.
JUNE 14, 2018
DATE:



CLIENT NAME / JOB ADDRESS

SHARRATT DESIGN
21550 EXCELSIOR BOULEVARD
GREENWOOD, MN

DATE	REVISION DESCRIPTION

DATE SURVEYED: OCTOBER 19, 2017

DATE DRAFTED: JUNE 14, 2018

SHEET TITLE

PROPOSED SURVEY

DRAWING NUMBER

180633 JR

SHEET SIZE **22 X 34**

SHEET NUMBER

S1

LEGAL DESCRIPTION:

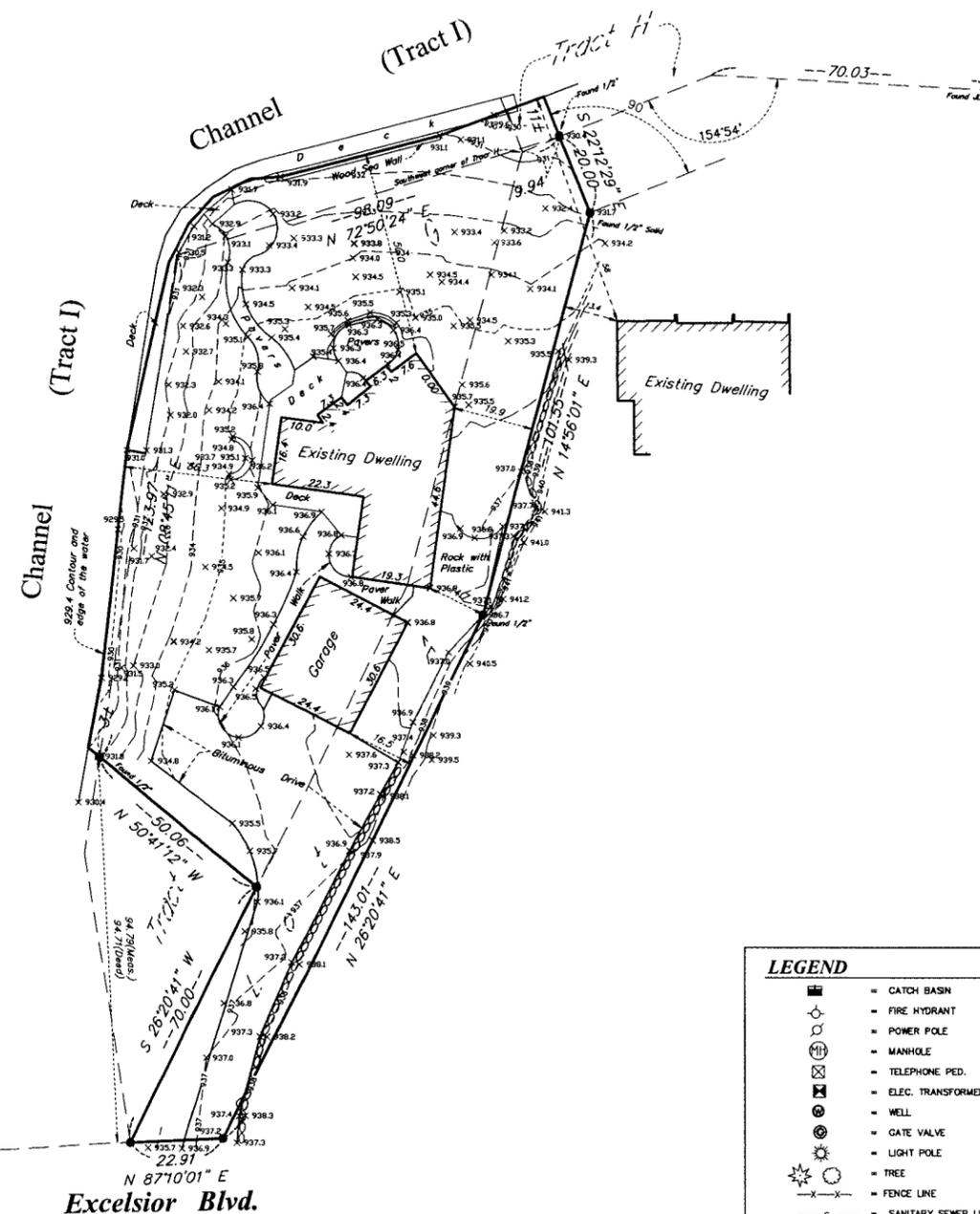
That part of Tract G of Registered Land Survey No. 593, Hennepin County Minnesota, lying Northerly of a line running from a point on the Easterly line thereof distant 70.00 feet Northerly measured along the Easterly line from the southeasterly corner thereof to the point of intersection of the Westerly line of said Tract G with the North line of the South 94.71 feet of Tract I in said Registered Land Survey No. 593; also that part of Tract H in said Registered Land Survey No. 593 lying Westerly of a line running at right angles from the Southerly line thereof at a point distant 9.94 feet Easterly from the Southwesterly corner thereof and that part of Lot A, Partridge Heights, Hennepin County, Minnesota, lying Westerly of a line running Southerly at right angles from the Southerly line of Tract H in said Registered Land Survey No. 593, at a point 9.94 feet Easterly from the Southwesterly corner of said Tract H.

SCOPE OF WORK & LIMITATIONS:

1. Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
2. Showing the location of observed existing improvements we deem necessary for the survey.
3. Setting survey markers or verifying existing survey markers to establish the corners of the property.
4. Showing and tabulating impervious surface coverage for the lot for your review and for the review of such governmental agencies that may have jurisdiction over these requirements to verify they are correctly shown before proceeding with construction.
5. Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction.
6. Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.

STANDARD SYMBOLS & CONVENTIONS:

"●" Denotes iron survey marker, set, unless otherwise noted.



EXISTING HARDCOVER	
House	1,461 Sq. Ft.
Existing Decks	658 Sq. Ft.
Landscaping w/ Plastic	827 Sq. Ft.
Bituminous Driveway	2,395 Sq. Ft.
Garage	748 Sq. Ft.
Paver Surfaces	973 Sq. Ft.
Ret. Walls	99 Sq. Ft.
TOTAL EXISTING HARDCOVER	7,161 Sq. Ft.
AREA OF LOT TO OHW	16,932 Sq. Ft.
PERCENTAGE OF HARDCOVER TO LOT	42.3%

LEGEND

- = CATCH BASIN
- = FIRE HYDRANT
- = POWER POLE
- = MANHOLE
- = TELEPHONE PED.
- = ELEC. TRANSFORMER
- = WELL
- = GATE VALVE
- = LIGHT POLE
- = TREE
- = FENCE LINE
- = SANITARY SEWER LINE
- = WATER LINE
- = GAS LINE
- = STORM DRAIN LINE
- = OVERHEAD UTILITY LINE
- = CONCRETE SURFACE

Adva
Surveying & Eng'g

17917 Highwa
Minnetonka, Minnesc
Phone (952) 474
Web: www.advsu

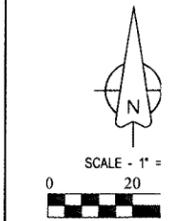
I HEREBY CERTIFY THAT THIS REPORT WAS PREPARED BY ME DIRECT SUPERVISION AND THAT REGISTERED LAND SURVEYOR U THE STATE OF MINNESOTA.

Thomas M. Bloom
Thomas M. Bloom

42379
LICENSE NO.

OCTOBER 19, 2017
DATE

DRAWING ORIENTATION &



CLIENT NAME / JOB ADDR

**SHARR,
DESIC**
21550 EXCI
BOULEV.
GREENWOC

DATE	REVISION DI

DATE SURVEYED: OCTOBER 1

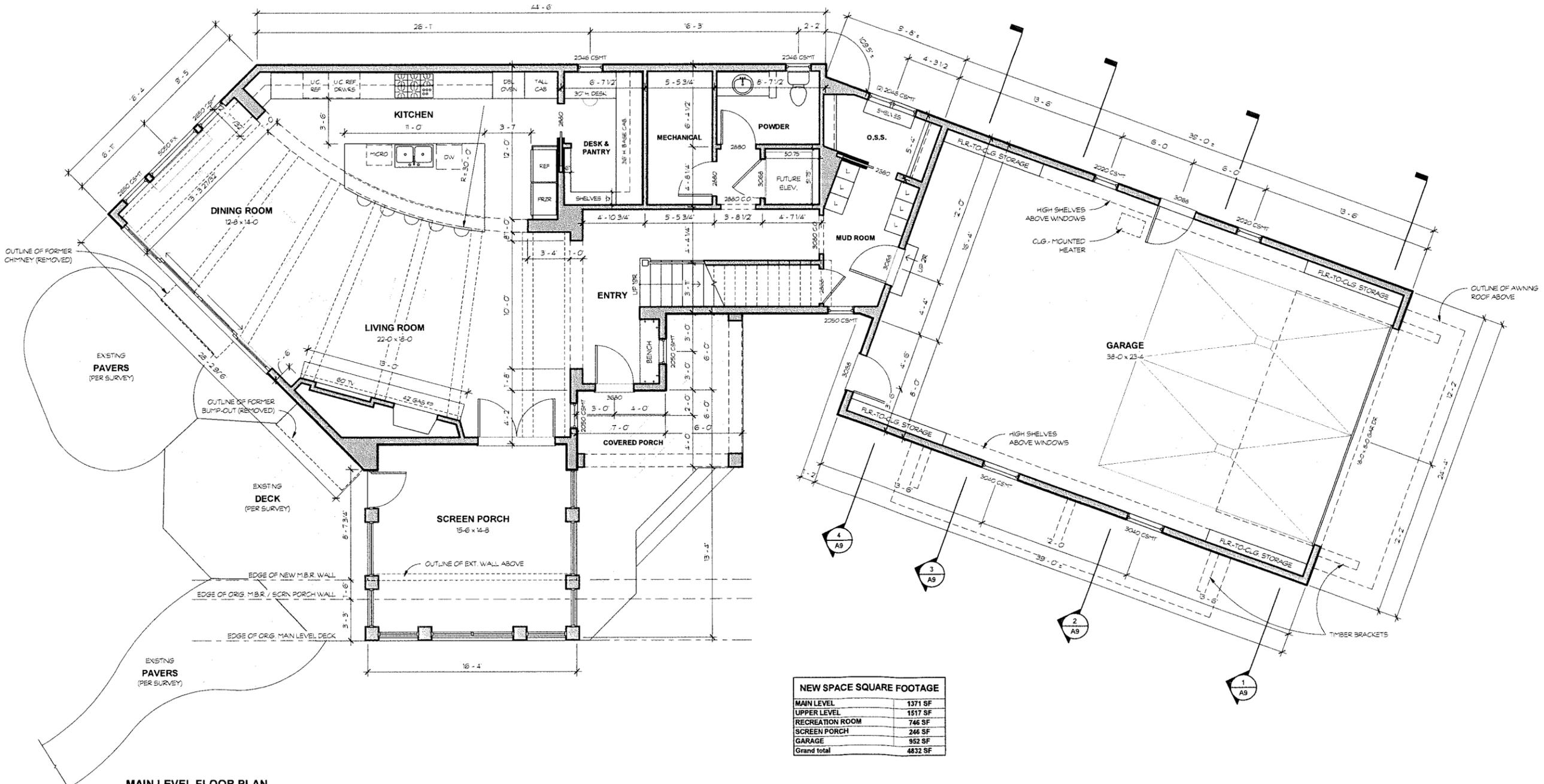
DATE DRAFTED: OCTOBER 1

SHEET TITLE
**EXISTING
CONDITI
SURVE**

DRAWING NUMBER
171190

SHEET SIZE 22

SHEET NUMBER
S



NEW SPACE SQUARE FOOTAGE	
MAIN LEVEL	1371 SF
UPPER LEVEL	1517 SF
RECREATION ROOM	746 SF
SCREEN PORCH	246 SF
GARAGE	952 SF
Grand total	4832 SF

MAIN LEVEL FLOOR PLAN
1/4" = 1'-0"



PRO.

ARCHITE

SHARRATT DE
464 SECOND
EXCELSIOR MN
CONTACT: MK

STRUCTI

WENZEL ENGE
1000 MORGAN
BLOOMINGTON
CONTACT: ET

GENERA

NARR CONSTR
BOX 5007
HOPKINS MN E
CONTACT: GR

ISS

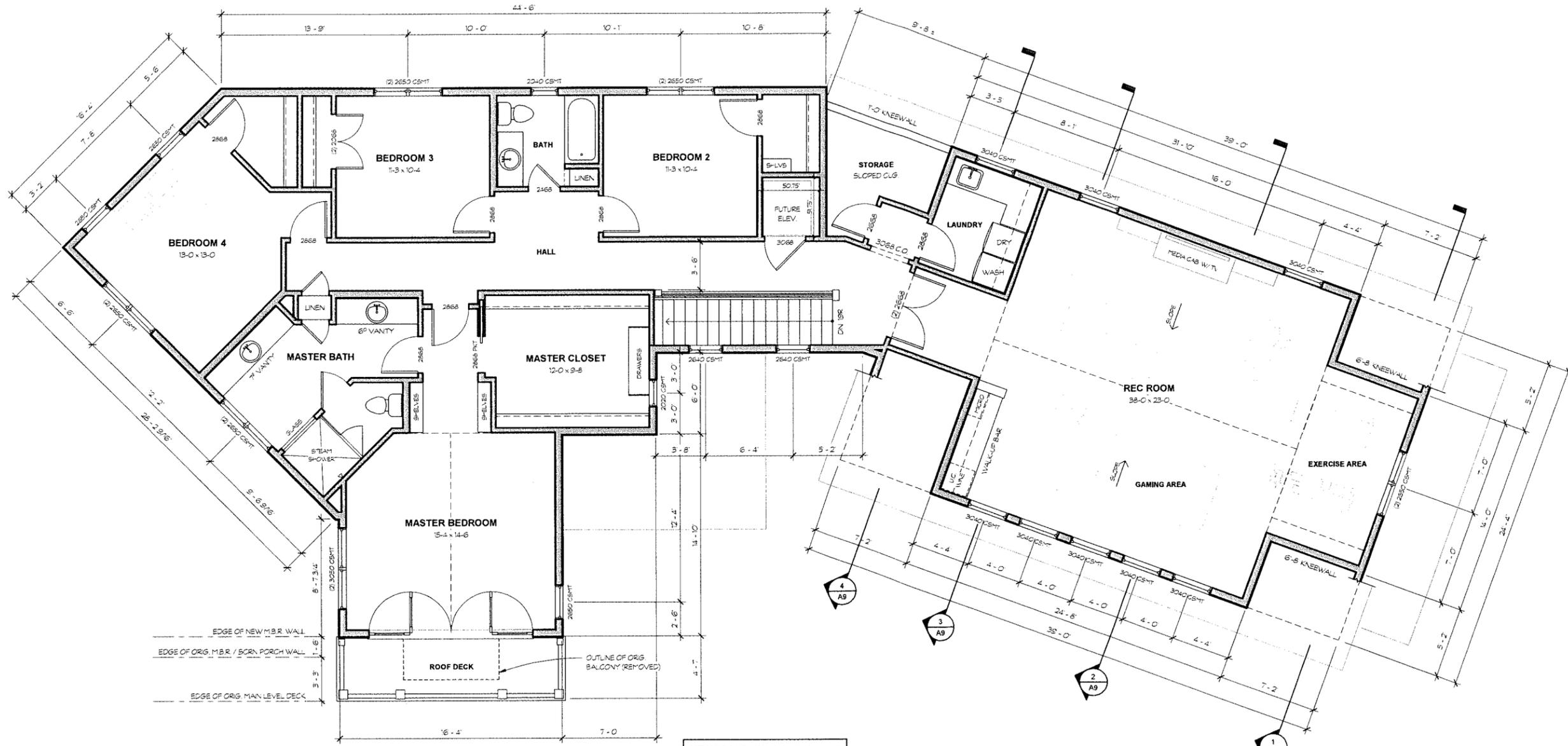
ISSUE	DATE
05 / 18 / 18	
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06 / 08 / 18	
06 / 13 / 18	

PROJ

BAR

2/5

SHEET



NEW SPACE SQUARE FOOTAGE	
MAIN LEVEL	1371 SF
UPPER LEVEL	1517 SF
RECREATION ROOM	746 SF
SCREEN PORCH	246 SF
GARAGE	952 SF
Grand total	4832 SF

PRO. ARCHITE

SHARRATT DEI
464 SECOND :
EXCELSIOR MN
CONTACT: MIK

STRUCTU
WENZEL ENGN
10100 MORGAN
BLOOMINGTON
CONTACT: ETH

GENERA
NARR CONSTR
BOX 5007
HOPKINS MN E
CONTACT: GRE

ISS

ISSUE DATE
05 / 18 / 18
06 / 07 / 18
06 / 08 / 18
06 / 13 / 18

PROPR

BAR

215

SHEET

UPPER LEVEL FLOOR PLAN
1/4" = 1'-0"



SHE

- A1 ARCHITECT
- A2 FOUNDATION
- A3 MAIN LEVEL
- A4 UPPER LEVEL
- A5 ROOF PLATE
- A6 EXTERIOR DETAILS
- A7 EXTERIOR

NEW SPA
MAIN LEVEL
UPPER LEVEL
RECREATION
SCREEN PORCH
GARAGE
Grand total

PRO.
ARCHITECT

SHARRATT DESIGN
464 SECOND ST
EXCELSIOR, MN
CONTACT: MIKI

STRUCTURAL
WENZEL ENGINEERING
10100 MORRIS AVE
BLOOMINGTON, MN
CONTACT: ETHAN

GENERAL CONTRACTOR
NARR CONSTRUCTION
BOX 5007
HOPKINS, MN 55343
CONTACT: GREG

ISSUE

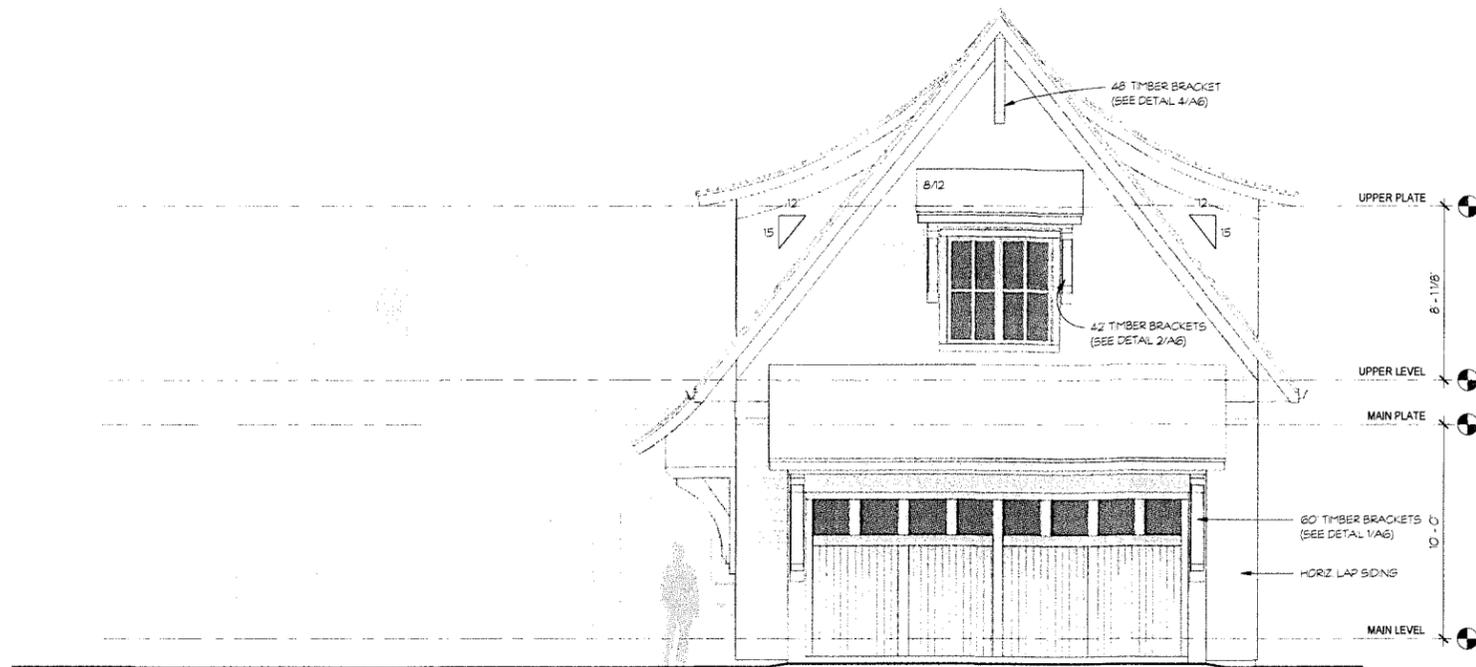
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PROPOSAL

BAR

2/5

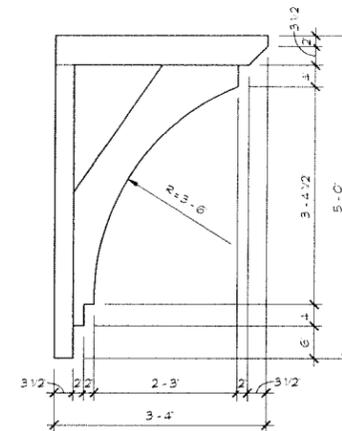
SHEET



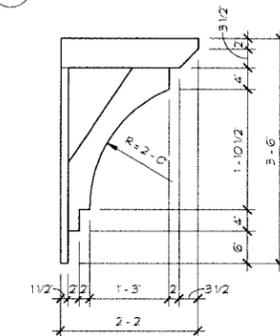
SOUTH ELEVATION
1/4" = 1'-0"



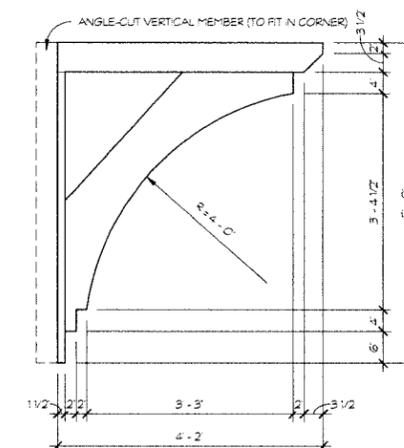
NORTH ELEVATION (LAKESIDE)
1/4" = 1'-0"



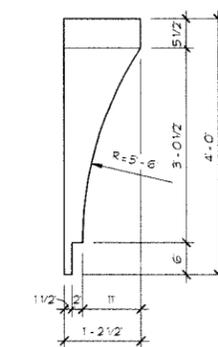
1 BRACKET DETAIL 1
A6 3/4" = 1'-0"



2 BRACKET DETAIL 2
A6 3/4" = 1'-0"

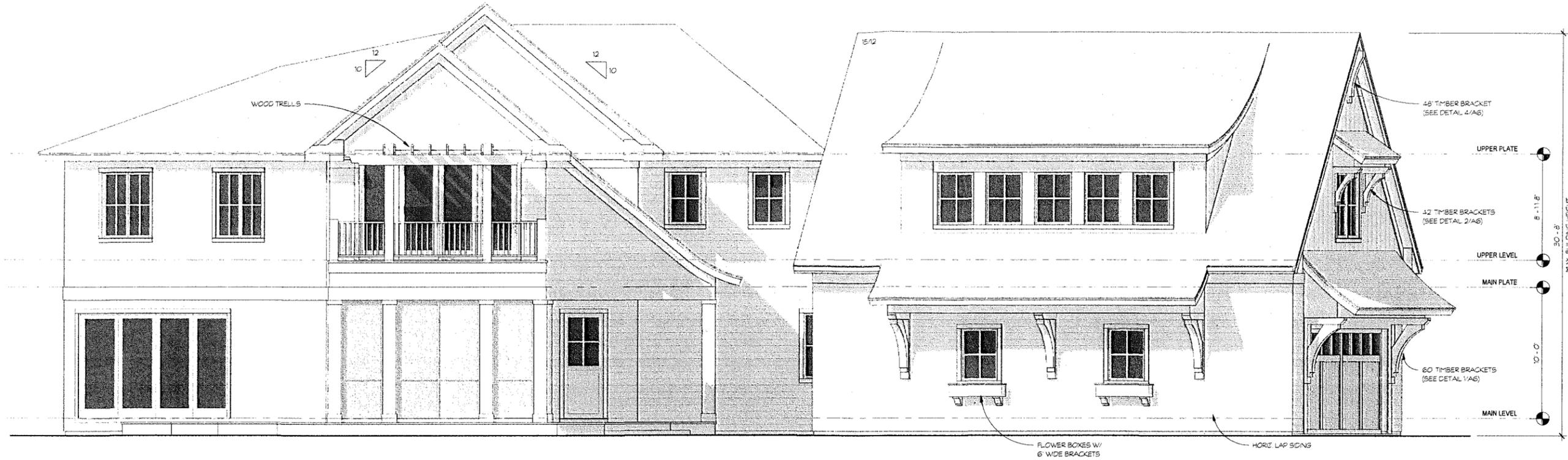


3 BRACKET DETAIL 3
A6 3/4" = 1'-0"



4 BRACKET DETAIL 4
A6 3/4" = 1'-0"

ISSUE DATE
05/18/18
06/01/18
06/08/18
06/13/18



WEST ELEVATION - FULL

1/4" = 1'-0"



EAST ELEVATION

1/4" = 1'-0"

Date: July 1, 2018

To: Greenwood Planning Commissioners, Mayor and City Council Members

From: Teri Haugland and Winston Yonan, 4 MacLynn Rd., Excelsior

RE: Variance request - 21550 Excelsior Blvd.

We received the notice of the public hearing for the variance request for this property. We were surprised to learn that the Barrys were going to have to delay the construction of their home because the City required another variance process. We have reviewed the plans, are familiar with the previous variance request, which was granted, and we do not see any significant changes. Our position on the earlier variance was that it was warranted due to the odd-shaped lot, the plan for the new garage was sensitive to the surrounding homes, there was no negative impact on the adjoining or nearby properties, the Barrys are excellent stewards of the lake, and we had no objections. As before, we support the plans for the new home for the same reasons.

On a more human note: Kim and Dave suffered a terrible loss with the destruction of most of their personal possessions, including irreplaceable photos and videos of their daughter's and son's childhood and other cherished family heirlooms. We can only imagine the sense of loss they felt when they were able to re-enter their home after the fire. Heartbreaking. We mention this to humbly request that you expedite their request to the extent possible. They need to re-build their home to find some semblance of normalcy.

Please feel free to contact us with any questions.

Teri Haugland - 612-232-8354 - teri@terihaugland.com

Winston Yonan - 612-232-8254 - yonan4141@gmail.com

RESOLUTION NO 21-18

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA
ACTING AS THE BOARD OF APPEALS & ADJUSTMENTS**

In Re: Application of David and Kimberly Barry for the property at 21550 Excelsior Boulevard for a variance from Greenwood ordinance code sections 1120.15, and Section 1176.07.05 (Subd. 4) in conjunction with the expansion of a nonconforming screened porch.

David and Kimberly Barry, applicants, are the owners of property commonly known as 21550 Excelsior Boulevard, Greenwood, Minnesota 55331 (PID No. 35-117-23-12-0032) being real property in Hennepin County Minnesota and legally described as follows:

That part of Tract G of Registered Land Survey No. 593, Hennepin County Minnesota, lying Northerly of a line running from a point on the Easterly line thereof distant 70.00 feet Northerly measured along the Easterly line from the southeasterly corner thereof to the point of intersection of the Westerly line of said Tract G with the North line of the South 94.71 feet of Tract I in said Registered Land Survey No. 593; also that part of Tract H in said Registered Land Survey No. 593 lying Westerly of a line running at right angles from the Southerly line thereof at a point distant 9.94 feet Easterly from the Southwesterly corner thereof and that part of Lot A, Partridge Heights, Hennepin County, Minnesota, lying Westerly of a line running Southerly at right angles from the Southerly line of Tract H in said Registered Land Survey No. 593, at a point 9.94 feet Easterly from the Southwesterly corner of said Tract H.

WHEREAS, application was made for variance to zoning code sections 1120.15, and Section 1176.07.05 (Subd. 4) in conjunction with the expansion of a nonconforming screened porch; and

WHEREAS, notice of a public hearing was published, notice given to neighboring property owners, and a public hearing was held before the planning commission to consider the application; and

WHEREAS, public comment was taken at the public hearing before the planning commission on July 11, 2018; and

WHEREAS, the city council of the city of Greenwood has received the staff report, the recommendation of the planning commission, and considered the application, the comments of the applicants, and the comments of the public.

NOW, THEREFORE, the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments does hereby make the following:

FINDINGS OF FACT

1. That the real property located at 21550 Excelsior Boulevard, Greenwood, Minnesota 55331 (PID No. 35-117-23-12-0032) is a single-family lot of record located within the R-1A district.
2. David and Kimberly Barry, property owners at 21550 Excelsior Boulevard, are requesting variances in order to expand a nonconforming enclosed porch. The footprint of the house was approved via variance requests in 2017, and the applicants are proposing to slightly modify the request by expanding the proposed porch 3 feet further into the lake yard setback. The proposed expansion would be built over an existing at-grade deck and would convert approximately 50 square feet of at-grade impervious areas into structural impervious areas.
3. Section 1120.15 of the Greenwood Zoning Code requires a 50 foot lake yard setback. As proposed, the porch addition would be a further encroachment into the lake yard setback. Applicants are proposing a 32.2 foot setback from the lake yard and are seeking a variance of 17.8 from the lake yard setback.
4. While no expansion of impervious surface area is proposed, the proposal does convert areas of at grade impervious into structural impervious. Section 1176.07.05 (Subd. 4) of the zoning code addresses impervious surface policies and conditions and states, *“Legal and illegal nonconforming landscape-related impervious surfaces cannot be exchanged for an increase in structural-related impervious surfaces to obtain a variance from impervious surface requirements.”*
5. The porch expansion (49.2 sf) is over an existing at-grade deck. Per code, landscape-related impervious surfaces cannot be exchanged for an increase in structural-related impervious surfaces, and applicants are seeking a variance

to exchange 49.2 square feet of landscape-related impervious surfaces for an increase in structural-related impervious surfaces. The city has determined that in order to grant the variance, the approved impervious areas on the property must be shown to have been expanded by the increased amount of structural-related impervious surface. In this case, 49.2 square feet equals an expanded impervious area of .3%

6. Greenwood ordinance section 1155.10, subd 4, 5 & 6 states:

"Subd. 4. Practical Difficulties Standard. "Practical difficulties," as used in connection with the granting of a variance, means:

- (a) that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
- (b) the plight of the landowner is due to circumstances unique to the property and not created by the landowner;
- (c) and the variance, if granted, will not alter the essential character of the locality

Economic considerations alone shall not constitute practical difficulties.

Subd. 5. Findings. The board, in considering all requests for a variance, shall adopt findings addressing the following questions:

- (a) Is the variance in harmony with the purposes and intent of the ordinance?
- (b) Is the variance consistent with the comprehensive plan?
- (c) Does the proposal put property to use in a reasonable manner?
- (d) Are there unique circumstances to the property not created by the landowner?
- (e) Will the variance, if granted, alter the essential character of the locality?

Subd. 6. Practical Difficulties Considerations. When determining reasonable manner or essential character, the board will consider, but will not be limited to, the following:

- (a) Impair an adequate supply of light and air to adjacent property.
- (b) Unreasonably increase the congestion in the public street.
- (c) Increase the danger of fire or endanger the public safety.
- (d) Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this ordinance."

7. The applicants assert that the proposed variance request complies with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6.

8. The planning commission, on a 3-0 vote, recommended the council approve the request of David and Kimberly Barry to vary from city code sections 1120.15 and Section 1176.07.05 (Subd. 4) to encroach into the lake yard setback and to expand structural-related impervious surfaces in conjunction with the expansion of a nonconforming screened porch, as proposed, for the property at 21550 Excelsior Boulevard, Greenwood, Minnesota 55331.

- a) The variance, if granted, will be in harmony and keeping with the spirit and intent of the zoning ordinance because the purpose of the ordinance is to promote the wise use and development of the shoreland of public waters that exist within the boundaries of the city, the proposal is a modest intensification of a property with a limited area to place a conforming footprint.
- b) The variance, if granted, will be consistent with the comprehensive plan's guiding use for the subject property in the applicable zoning because of the character of the proposed use is consistent with the applicable zoning.
- c) Though the property owner's proposed *manner of use* of the property is not permitted by the zoning ordinance without a variance, the proposed *manner of use* is reasonable because: it maintains the single family nature of the property at a scope and scale consistent with the surrounding properties and is only a slight change from existing conditions.
- d) The plight of the landowner-applicant is due to circumstances unique to the property and not created by the landowner because: the property is bordered on two sides by a channel that is considered part of Lake Minnetonka (one channel which is not navigable) and which severely limits the conforming buildable area on the property. Additionally, the excess impervious surface area on the property is a condition that predated the applicant's acquisition of the property.
- e) The variance, if granted, will not alter the essential character of the locality, because: the proposed expansion would remain consistent with the scope and scale of the surrounding properties.

- f) The variance, if granted, will not:
 - i. Impair an adequate supply of light and air to adjacent property;
 - ii. Unreasonably increase the congestion in the public street;
 - iii. Increase the danger of fire or endanger the public safety; or
 - iv. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this ordinance.

The recommendation is conditioned that:

- (a) To account for the additional structural-related impervious areas on the property, the approval resolution reflects that the impervious areas are expanding by .3% from 37.5% to 37.8%.

9. Based on the foregoing, the city council determined that the variance request complies with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6.

And the city council has determined that the following conditions should be imposed on any variance grant:

- (a) To account for the additional structural-related impervious areas on the property, the approval resolution reflects that the impervious areas are expanding by .3% from 37.5% to 37.8%.

CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the city council acting as the Board of Appeals & Adjustments makes the following conclusions of law:

The applicant has made an adequate demonstration of facts meeting the standards of section 1155.10 necessary for the granting of variances from sections 1120.15 and Section 1176.07.05 (Subd. 4) and therefore variances from: section 1120.15 to encroach into the lake yard setback by 17.8 feet; and section 1176.07.05 (Subd. 4) to exchange 49.2 square feet of landscape-related impervious surfaces for structural-related impervious surfaces in order to expand a nonconforming screened porch should be **APPROVED**.

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments:

That the application of David and Kimberly Barry for the property at 21550 Excelsior Boulevard, Greenwood, Minnesota 55331 for variances from: section 1120.15 to encroach into the lake yard setback by 17.8 feet; and section 1176.07.05 (Subd. 4) to exchange 49.2 square feet of landscape-related impervious surfaces for structural-related impervious surfaces in order to expand a nonconforming screened porch is **APPROVED** subject to the following conditions:

- (a) To account for the additional structural-related impervious areas on the property, the approval resolution reflects that the impervious areas are expanding by .3% from 37.5% to 37.8%.

PASSED this 1st day of August, 2018 by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments for the city of Greenwood, Minnesota.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana Young, City Clerk



Agenda Number: **7C**

Agenda Date: **08-01-18**

Prepared by *Deb Kind*

Agenda Item: 1st Reading of Ord 279, Amending Zoning Code Chapter 11 to Update Residential Zoning Regulations, Res 19-18 Summary of Ord 279 for Publication

Summary: Since November 2016, the city council has been working on the concept of an ordinance that regulates properties based on the characteristics of the lot instead of lot location. The intent is to reduce the severity variance requests in addition to setting reasonable expectations for property owners and potential owners. The planning commission held a public hearing at their 05-09-18 meeting and held a second round of public input at their 06-13-18 meeting. At the 07-10-18 council meeting, the city council directed that the ordinance be revised based on the council discussion. The revised (07-11-18) draft of ordinance 279 is attached.

The city attorney reviewed the 07-11-18 draft of the ordinance. A redlined / blue-lined 07-18-18 draft of the ordinance with his recommendations is attached.

Timeline:

- 08-01-18 City council considers 1st reading of the ordinance (may make revisions / may waive 2nd reading).
- 08-02-18 If the 2nd reading is waived, the ordinance is submitted to the Sun-Sailor for publication.
- 08-09-18 If the 2nd reading is waived, the ordinance is published in the Sun-Sailor (goes into effect on this date).
- 09-05-18 City council considers 2nd reading of the ordinance (may make revisions).
- 09-06-18 The ordinance is submitted to the Sun-Sailor for publication.
- 09-13-18 The ordinance is published in the Sun-Sailor (goes into effect on this date).

City Council Action: Potential motions ...

1. I move the city council (1) approves the 1st reading of ordinance 279 amending zoning code chapter 11 to simplify residential zoning regulations **as written**; (2) **waives the 2nd reading**; (3) approves resolution 19-18 a summary of ordinance 279 for publication; and (4) directs the ordinance be submitted to the Sun-Sailor for publication.
2. I move the city council (1) approves the 1st reading of ordinance 279 amending zoning code chapter 11 to simplify residential zoning regulations **with revisions as discussed**; (2) **waives the 2nd reading**; (3) approves resolution 19-18 a summary of ordinance 279 for publication; and (4) directs the ordinance be submitted to the Sun-Sailor for publication.
3. I move the city council (1) approves the 1st reading of ordinance 279 amending zoning code chapter 11 to simplify residential zoning regulations **as written**; and (2) **directs the ordinance be placed on the 09-05-18 council agenda for a 2nd reading**.
4. I move the city council (1) approves the 1st reading of ordinance 279 amending zoning code chapter 11 to simplify residential zoning regulations **with revisions as discussed**; and (2) **directs the ordinance be placed on the 09-05-18 council agenda for a 2nd reading**.
5. Do nothing or other motion ???

Greenwood code section 1215 requires 2 readings of all ordinances prior to adoption. The 2nd reading shall be within 3 months of the 1st reading. There may be changes between the 1st and 2nd readings. The 2nd reading may be waived by a unanimous vote of city council members present at the meeting. In order to publish an ordinance by title and summary the ordinance must be approved by a 4/5ths vote. Ordinances go into effect once they are published in the city's official newspaper. The planning commission must review and make a recommendation to the city council regarding any changes to the zoning code chapter 11. A public hearing, typically held by the planning commission, also is required for changes to chapter 11.

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE ZONING CODE CHAPTER 11
TO UPDATE RESIDENTIAL ZONING REGULATIONS**

THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA DOES ORDAIN:

SECTION 1.

Greenwood ordinance code section 1102 Definitions is amended to revise or add the following definitions:

“Average Lot Width means the average of the lot width at the front yard setback line and the lot width at the rear / lake yard setback line with the minimum lot width to be used in the average lot width calculation being 40 feet. Example 1: If the lot width is 70 ft at the front yard setback line and 90 ft at the rear yard setback line, the average lot width is 80 ft $((70 + 90) / 2 = 80)$. Example 2: If the lot width is 100 ft at the front yard setback line and 20 ft at the lake yard setback, the 20 ft side defaults to 40 ft, so the average lot width is 70 feet $((100 + 40) / 2 = 70)$.”

“Lot Width means the horizontal straight line distance between the side lot lines at the principal structure front, rear / lake yard setback lines not including narrow strip(s) of land providing access to the street or lake (commonly called “flag lots”). If the location of the principal structure setbacks is unclear, the zoning administrator will make the determination.”

“Structure Height means the vertical distance between the building perimeter grade and the highest projection of the structure (e.g. roof peak, chimney, etc).”

“Wall Height is the vertical height measured from the building perimeter grade for the applicable side of the structure to the top of the vertical wall.”

SECTION 2.

Greenwood ordinance code section 1115.00 Zoning Districts is amended to read as follows:

“Section 1115.00. Zoning Districts.

Subd. 1. Establishment of Districts. For the purpose of this ordinance, the city is divided into the following districts:

- R-1 Single-Family Residential District
- R-2 Single-Family Residential District
- C-1 Office and Institutional District
- C-2 Lake Recreation District

Subd. 2. Zoning Map. The boundaries of the districts established by this ordinance are delineated on the zoning map; said map and all notations, references, and data shown thereon are hereby adopted and made part of this ordinance and will be on permanent file, and for public inspection, in the city office of the zoning administrator. It shall be the responsibility of the zoning administrator and staff to maintain said map, and amendments thereto shall be recorded thereon within 30 days after official publication of amendments.

Subd. 3. District Boundaries. The boundaries between districts are, unless otherwise indicated, either the centerlines of streets, alleys, or railroad rights-of-way, or such lines extended or lines parallel or perpendicular thereto. Where figures are shown on the zoning map between a street and a district boundary line that runs parallel to the street at a distance therefrom equivalent to the number of feet stated unless otherwise indicated.

(INSERT NEW MAP SHOWING ALL PREVIOUS R-1A, R-1C, AND R-2 PROPERTIES IN THE NEW R-1 ZONING DISTRICT AND ALL PREVIOUS R-1B PROPERTIES IN THE NEW R-2 ZONING DISTRICT)”

SECTION 3.

Greenwood ordinance code section 1120.00 R-1A Single-Family Residential District is amended to read as follows:

“SECTION 1120. R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT.

Section 1120.00. Purpose & Background.

The intent of this district is to provide a zone for single-family dwellings for the purpose of creating and preserving the residential character of the community.

The city of Greenwood was originally developed early in the 20th century with a number of small lots with and without lakeshore to provide seasonal homesites. These lots were intended to be developed with small homes and cabins to

enhance the lake experience. As time passed, these seasonal properties were replaced by permanent homes, many with larger dimensions. This development pattern led to a number of unique lot shapes (e.g. small lots, flag lots, and long narrow lots) that do not easily fit into numeric standards. The variance process in section 1155 is used to address unique lots and balance the property owner's wants with the community's needs. Considerations include but are not limited to the following: impact on environment, topography, steep slopes, vegetation, lakes, ponds, streams, and susceptibility to erosion and sedimentation.

The character of the initial development provided a natural setting on the lake or near the lake to allow property owners and others to enjoy the lake setting. Numeric requirements for lake yard setbacks and impervious surface percentages were established, in part, to maintain open spaces around the lake and to maintain the character and setting of the original development.

On December 1, 1992, the city adopted the shoreland management district ordinance (section 1176) to comply with Minnesota state law to protect the waters of Lake Minnetonka. The entire city is located within the shoreland management district.

Section 1120.02. Public Health, Safety & Welfare.

Setbacks are established to provide important separation between adjacent structures, between structures and streets, and between structures and lakeshore. Reasons for setbacks include, but are not limited to: (1) Prevention of overhanging eaves and other above-ground encroachments onto adjacent properties. (2) To provide space for drainage requirements. (3) To provide adequate access to structures for fire and police inspections and protection. (4) To provide adequate sight lines for vehicles and pedestrians on streets. (5) To protect water quality. (6) To provide separation of structures between neighboring properties for light, noise, and privacy. (7) To maintain the character of the community.

Section 1120.03. Grandfathered Rights

For information regarding nonconformities, commonly called "grandfathered rights," see section 1145.

Section 1120.05. R-1 Permitted Uses.

No building shall be used or shall hereafter be erected, altered or converted in any manner, except as provided in section 1120 et seq. Permitted uses shall be:

Subd. 1. Principal Uses.

- (a) Single-family detached dwellings (excluding the leasing or renting of rooms).
- (b) Open area, parks and playgrounds owned and operated by a public agency, or by a home association for a subdivision or neighborhood.
- (c) Residential subdivisions, including streets, lighting, sanitary sewer service, and water service.
- (d) Uses mandated in state statutes as permitted uses.

Subd. 2. Primary Accessory Uses.

- (a) Private detached garages.
- (b) Tool house, sheds, and similar storage areas for domestic supplies.
- (c) Commonly accepted municipal playground equipment, and park shelter buildings.
- (d) Boat docks.
- (d) Home occupations as regulated by section 480.
- (e) Signs as regulated in section 1140 et seq.

Subd. 3. Secondary Accessory Uses.

- (a) Off-street parking, driveways, parking pads.
- (b) Play structures, swing sets.
- (c) Patios, decks, slabs, sidewalks.
- (d) Air conditioners, generators.
- (e) Fire pits, outdoor fireplaces, outdoor kitchens for the use and convenience of the resident and their guests.
- (f) Freestanding swimming pools, hot tubs, spas for the use and convenience of the resident and their guests.
- (g) Pergolas, arbors, trellises.

Subd. 4. Conditional Uses.

- (a) Public utilities.
- (b) Permanent in-ground swimming pools and spas for the use and convenience of the resident and their guests.
- (c) Tennis courts, sport courts.
- (d) Signs as regulated in section 1140 et seq.
- (e) Churches, chapels, synagogues, temples, and similar religious buildings.
- (f) Uses mandated in state statutes as conditional uses.

(g) Theater with attached restaurant as regulated under section 1123 et seq and specifically limited to the common use of Hennepin County PID numbers 26-117-23-31-0028, 26-117-23-31-0036, and 26-117-23-34-0001.

Section 1120.10. R-1 Lot Dimensions.

The following required lot area, width, and depth regulations shall be considered as minimum standards for lot dimensions:

	Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth
Minimum sizes for lots after subdivision (see subdivision section 600)	15,000 sq ft	75 ft street frontage for off-shore lots. 75 ft lake frontage for lakeshore lots.	150 ft
Minimum sizes for remaining lot when a portion is accreted onto a neighboring lot (see simple subdivision section 600.07)	15,000 sq ft	75 ft	150 ft
Minimum sizes for existing lots of record for building a single-family home (see section 1120.22)	6750 sq ft	40 ft at the building line	No minimum lot depth

Section 1120.15. R-1 Setbacks & Impervious Surfaces.

The following shall be considered as setback and impervious surface standards:

	Front Yard Setback	Side Yard Setback	Exterior Side Yard Setback (Corner Lot)	Rear Yard Setback	Lake Yard Setback	Impervious Surface Coverage
Single-Family Principal Structure	30 ft	The side yard setback is 15 ft for no more than 70 lineal ft of principal structure and 20 ft for the principal structure amount in excess of 70 ft. For average lot widths of less than 75 ft, section 1120.16 may provide reduced setbacks for no more than 70 lineal ft of principal structure.	30 feet	35 feet	50 ft	30% for lots with area of 10,000 sq ft or greater For lots less than 10,000 sq ft, the impervious surface coverage is the total lot area x .001 subtracted from 40 *
Accessory Structures	See section 1140.10 for Accessory Structures and Uses (primary and secondary) Setbacks and General Regulations					

* For example, the maximum hardcover for a 8,500 sq ft lot would be 31.5%: $8,500 \times .001 = 8.5$ and $40 - 8.5 = 31.5$

Section 1120.16. R-1 Side Yard Setback for Average Lot Widths of less than 75 Feet.

Subd. 1. For average lot widths of less than 75 ft, the side yard setback is reduced to 20% of the average lot width with a minimum of 8 ft for no more than 70 ft of lineal principal structure. If a lot has a grandfathered side yard setback that is less than the required side yard setback, then the required side yard setback on the other side of the lot shall be increased by the difference between the required distance and the grandfathered distance, but in no case shall be more than 15 ft. Example 1: If a parcel with an average lot width of 50 ft has a grandfathered principal structure that is 8 ft from the side yard line, the required setback for the other side yard shall be 12 ft ($20\% \times 50 \text{ ft} = 10 \text{ ft}$, $10 \text{ ft} - 8 \text{ ft} = 2 \text{ ft}$, $10 + 2 \text{ ft} = 12 \text{ ft}$). Example 2: If a parcel with an average lot width of 60 ft has a grandfathered principal structure that is 5 ft from the side yard line, the required setback for the other side yard shall be 15 ft ($20\% \times 60 \text{ ft} = 12 \text{ ft}$, $12 \text{ ft} - 5 \text{ ft} = 7 \text{ ft}$, $12 + 7 \text{ ft} = 19 \text{ ft}$, so the setback will default to the standard 15 ft setback for up to 70 lineal ft of principal structure on the non-grandfathered side of the property).

Section 1120.20. R-1 Building Standards.

Subd. 1. Principal structures (new construction or new additions) in the district shall:

- (a) not exceed 28 ft in building height and 42 ft in structure height;
- (b) not have a wall height that exceeds 1.5 times the setback distance within 20 ft of the side property line (for example, the maximum wall height for a principal structure located 15 ft from the side property line is 22.5 ft);
- (c) have a minimum width of 25 ft;

- (d) have a minimum footprint area of 800 sq ft;
- (e) have an attached or detached garage and a hard-surfaced (see section 1140.46) driveway to the public street; and
- (g) meet all current standards of city building codes and appendices.

Subd. 2. Properties that require variances from setback and / or impervious surface requirements in order to meet the building standards listed in subdivision 1 above may qualify for the “practical difficulty” standard for the consideration of variances (see section 1155).

Subd. 3. Primary accessory structures (new construction or new additions) in the district shall:

- (a) be limited to 1 private garage, and 1 tool house shed or similar storage building per principal structure;
- (b) not exceed 15 feet in building height;
- (c) have a maximum combined main floor space of all primary accessory structures on the lot of 1,000 square feet or 60% of the total at-grade, main floor square footage of the principal structure including attached garage square footage – whichever is less;
- (d) meet all current standards of city building codes and appendices.

Section 1120.22. R-1 Lots of Record.

Subd. 1. A “lot of record” is a lot filed in the office of the Hennepin county register of deeds on or before December 1, 1992.

Subd. 2. A lot of record that has no habitable residential dwelling shall be allowed as a single-family residential building site without a variance from lot size requirements required in state rules and / or statutes, provided:

1. the lot is 6750 sq. ft. or greater;
2. the lot width at the building line is 50 ft. or greater;
3. the lot is in separate ownership from abutting lots; and
4. the lot has access to a public sewer.

Variances will be required if the proposed single-family residential structure exceeds city setback, height, volume, or impervious surface regulations.

Subd. 3. Any **riparian** lot of record that is less than 9,900 sq. ft. that has no habitable residential dwelling and abuts another lot (with or without a habitable residential dwelling) that is under the same ownership must be combined with the abutting lot and must not be considered as a separate parcel for the purposes of sale or development.

Subd. 4. Any **nonriparian** lot of record that is less than 6,600 sq. ft. that has no habitable residential dwelling and abuts another lot (with or without a habitable residential dwelling) that is under the same ownership must be combined with the abutting lot and must not be considered as a separate parcel for the purposes of sale or development.

Subd. 5. A portion of land may be accreted from a lot of record and combined with a second abutting lot of record as long as the remainder of the first lot is 15,000 sq. ft. or greater and the property remains otherwise zoning code compliant. See simple subdivision section 600.07.

Section 1120.25. R-1 General Regulations.

Additional requirements for the R-1 district are set forth in section 1140 et seq. of this ordinance."

SECTION 3.

Greenwood ordinance code section 1122.00 R-1B Single-Family Residential District is amended to change all references of R-1B to R-2 and all references of R-1A to R-1.

SECTION 4.

Greenwood ordinance code section 1123.00 R-1C Single-Family Residential District is amended to read as follows:

“SECTION 1123. REGULATIONS FOR THEATER WITH ATTACHED RESTAURANT

Section 1123.00. Purpose.

The purpose of this section is to establish regulations that allow the continuing operation of an established theater with attached restaurant in the manner it has been used historically heretofore and providing for possible enlargement of facilities and / or intensification of established uses by conditional use permit first obtained in a manner that is compatible with the surrounding residential community and provides flexibility to address changing business conditions.

Section 1123.15. Setbacks and Hardcover for Theater with Attached Restaurant.

Land Use	Front Yard (Southerly Yard - Parking Lot)	Side Yard (Easterly Yard - Trail)	Exterior Side Yard (Westerly Yard)	Rear Yard (Northerly Yard - Pond)	Hardcover
Theater with Attached Restaurant	180 feet	15 feet	50 feet	Per Watershed Rules	Not more than 30% of lot area shall be occupied by buildings and / or impervious surfacing
Theater with Attached Restaurant <u>Primary</u> Accessory Structures	180 feet	10 feet	35 feet	Per Watershed Rules	
Theater with Attached Restaurant <u>Secondary</u> Accessory Structures	See section 1140.10 subd. 2C for Setbacks and General Regulations for Secondary Accessory Structures and Uses				

Section 1123.25. Lawful Use or Occupation of the Land or Premises Commonly Known as The Old Log Theater (Theater with Attached Restaurant), 5185 Meadville Street, Greenwood, Minnesota, (Hennepin County PID Nos. 26-117-23-31-0028, 26-117-23-31-0036, and 26-117-23-34-0001), Existing at the Time of the Adoption of this Control.

Subd. 1. Findings. After review and investigation, the city adopted resolution 31-13 which sets forth findings on the established use and manner to which the “Theater with Attached Restaurant” property commonly known as the Old Log Theater, 5185 Meadville Street, Greenwood, Minnesota, (Hennepin County PID numbers 26-117-23-31-0028, 26-117-23-31-0036, and 26-117-23-34-0001), has historically been put. Said resolution is intended to serve as the factual basis for the terms and conditions of conditional use regulation under section 1123 et seq. related thereto.

Subd. 2. Authorized Use. The following enumeration of business practices, excerpted from resolution 31-13, describes the manner to which use of the Old Log Theater (described in subd. 1, above), may, as of the adoption of this control (12-04-13), be put:

- (a) Public business hours for theater performances, on-site food service, ticketing, and the business office shall be between 8am and 11pm. Special events may be between 8am and 12midnight.
- (b) Liquor service shall comply with the city's liquor ordinances (section 820).
- (c) With the exception of noise-creating activities, there are no restrictions on hours for supporting activities necessary to the Old Log's operations, including: office, scene shop, cleaning, and food preparation.
- (d) Noise-producing activities such as building, landscaping, and scenery construction, shall be limited to between 8am and 8pm, Monday-Saturday.
- (e) General deliveries, garbage collection, and food service truck deliveries shall be limited to between 8am and 8pm.
- (f) In addition to live theater performances, the Old Log may host special events (e.g. concerts, weddings, and private / public events) on the Old Log campus as desired. However, the parking lot shall not be employed for purposes other than parking. Noise related to special events shall be managed so as not to adversely impact neighboring residential properties. Special event revenue is estimated to be 25% of total annual revenue.
- (g) The Old Log's kitchen, dining room, and bar may offer service to the public independent of theater performances during the public business hours stated in (a) above.
- (h) Box lunches may be consumed on the grounds.
- (i) Parking of all vehicles, including buses, shall be on site 95% of the need. Buses shall be turned off while parked and may idle 10 minutes prior to boarding passengers. Except in cold weather buses may idle more frequently as needed.
- (j) Outdoor events shall not employ amplified music.

Section 1123.30. Events Necessitating a Conditional Use Permit Be Obtained Relative to Section 1120.05 Subd 4(g), Theater with Attached Restaurant.

Subd. 1. Conditional Use Permit Required. Subject to the rights granted property owners under Minnesota statute 462.357 Subd.1e (a), which provides, in part, that “any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion,” any one or more the following events related to the “Theater with Attached Restaurant” property commonly known as the Old Log Theater, 5185 Meadville Street, Greenwood, Minnesota, (Hennepin County PID numbers 26-117-23-31-0028, 26-117-23-31-0036, and 26-117-23-34-0001) shall require a conditional use permit be first obtained:

- (A) Request for a building permit or zoning approval for physical expansion of any existing building or the addition of impervious surface to said property beyond what existed as of the adoption of this control.
- (B) Any change to the manner of use of said property as authorized in section 1123.25, subd. 2.

Section 1123.35. Minimum Building Requirements for Permitted Conditional Uses Under Section 1120.05 Subd 4(g), Theater with Attached Restaurant.

Subd. 1. Conditional permitted principal structures and associated accessory structures authorized under section 1120.05 subd 4(g) shall, in addition to other restrictions of this ordinance and any other applicable ordinances of the city, meet the following standards:

- (1) Principal buildings structures shall be limited to 1 in number and shall not exceed 28 feet in building height or more than 42 feet in structure height and shall be built in conformance with this code and current applicable building code.
- (2) Accessory buildings / structures shall be limited to 4 in number plus 1 gazebo and individually shall not be greater than 15 feet in building height or more than 28 feet in structure height. In no event shall the accessory buildings combined exceed 60% of the total at grade, main floor square footage of the principal theater building / structure,
- (3) Subject to variance, under the practical difficulties standard, all additions to the principal theater building and supporting accessory buildings / structures shall be constructed of the same materials or higher quality materials and shall reasonably conform to the architecture of the buildings in existence as of the adoption of this control (12-04-13).
- (4) All exterior finishes on any building shall be any single one or combination of the following:
 - a. Face brick,
 - b. Natural stone,
 - c. Wood which meets appropriate fire codes and has been reviewed by the planning commission and approved by the city council,
 - d. Any other exterior finish that has been reviewed by the planning commission and approved by the city council, In no event shall precast concrete units, including those with surfaces that have been integrally treated with an applied decorative material or texture be employed for exterior finishes, provided that in no event shall proposed exterior finishes matching an existing building be deemed unacceptable.
- (5) Architectural Compatibility. Building structure, design, and exterior finish materials, including exterior remodeling projects, are subject to review by the planning commission and the city council for acceptability of proposed materials, architectural compatibility with the residential R-1 district and its established past historic use, and to determine whether the proposal is in keeping with the predominately residential character of the surrounding neighborhoods, local public amenities, and the city in general. Building appearance will be considered from a 360° perspective.

Section 1123.40. Regulation and Imposition of Conditions on Permitted Conditional Uses Authorized Under Section 1120.05 Subd 4(g), Theater with Attached Restaurant.

Subd. 1. Permitted Conditions. In addition to the conditions related to public health, safety, and welfare that the council may impose on conditional uses under section 1150, in considering and issuing or amending a conditional use permit for a "Theater with Attached Restaurant" under section 1120.05 subd 4(g) the council may impose conditions related to the use of the buildings and structures and operation of any the business operated upon the property including, but not limited to, any of the following:

- A. Odor regulation and management
- B. Noise limits and management
- C. Limits on operational hours
- D. Traffic management and control
- E. Outdoor lighting
- F. Employee parking
- G. Delivery routes and service vehicles including service times and weight restrictions
- H. Refuse collection and related issues including service times and weight restrictions
- I. Carry-out food service
- J. Catering service
- K. Repair and maintenance of public roads burdened by theater related traffic
- L. Alcohol
- M. Outdoor events
- N. Number, size, and location of buildings and accessory structures."

SECTION 5.

Greenwood ordinance code section 1125.00 R-2 Single Family Residential District is repealed in its entirety.

SECTION 6.

Greenwood ordinance code section 1145.00 nonconformities paragraphs (d) through (h) and (j) are deleted in their entirety.

SECTION 7.

Greenwood ordinance code section 1176.04 subd. 3 is amended to read as follows:

“Subd. 3. Minimum Lot Size, Width, Building Height, and Impervious Coverage.

(1) *Dimensions.* All single lots created after December 1992 must meet or exceed the following dimensions:

	Riparian and Non-Riparian Lots	Office District	Lake Recreation District
	R-1	C-1	C-2
Lot Area (sq. ft.) abutting water and not abutting water	15,000	10,000	10,000
Lot Width at building line (ft.)	75	75	75
Building Setback from OHWL (ft.)	50	50	50
Maximum Building Height	28	35	30*

* The 30-foot building height limit within the C-2 lake recreation district is subject to the following exception: The maximum building height for multi-family residential structures of 8 units or greater may exceed 30 feet but shall not be greater than 32 feet for structures with gabled roofs of not less than 5/12; pitch; all other roof / building design or uses within the C-2 district shall not exceed 30 feet in height. See section 1102 for definition of “building height.”

(2) *Exceptions to Setbacks.* Setback requirements from the ordinary high water level shall not apply to authorized secondary accessory structures, boathouses, and docks.

(3) *Impervious Coverage.*

- a) Impervious surface coverage in all residential districts as expressed as a percentage of the lot area, shall not exceed the standards set forth on the table in section 1120.15.
- b) Impervious surface coverage in all commercial districts, expressed as a percent of the lot area, shall not exceed 30%, provided that because of the additional hardcover required for typical commercial developments, the maximum impervious surface in commercial districts may be increased to a maximum of 75% with a conditional use permit first obtained under sections 1150 and 1176.07 of this code, supported by an applicant prepared stormwater management plan meeting the approval of the city engineer. The city engineer, planning commission, and / or city council will require an applicant to implement stormwater management practices deemed necessary to control and minimize or control stormwater and off site runoff, including but not limited to, rain gardens, holding ponds, reductions in proposed impervious surfaces, and other accepted stormwater management techniques and methods.”

SECTION 8.

Greenwood ordinance code section 1176.04 subd. 10 is amended to read as follows:

“Subd. 10. Lots of Record. See section 1120.22.”

SECTION 9.

Greenwood ordinance code section 1176.07.05 subd. 4 (1) is amended to read as follows:

“Subd. 4. Impervious Surface Policies and Conditions.

- 1. Variance applicants with total impervious surface coverage in excess of the percentage shown on the table in section 1120.15 shall have the burden of proof to establish that the excess is a *legal* nonconforming use by showing evidence that the excess was in existence prior to the adoption of the Shoreland Management Ordinance (December 1992), or by showing the excess was subsequently approved by the city. If no such evidence exists, the city council may require the property owner to reduce impervious surfaces as a condition of variance approval.”

SECTION 10.

Effective Date. This ordinance shall be effective upon publication according to law.

Enacted by the city council of Greenwood, Minnesota this ____ day of _____, 2018.

____ AYES ____ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana H. Young, City Clerk

First reading: _____, 2018
Second reading: _____, 2018
Publication: _____, 2018

**CITY ATTORNEY MARK KELLY'S RECOMMENDED
REVISIONS ARE IN RED AND BLUE**

ORDINANCE NO. 279

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE ZONING CODE CHAPTER 11
TO UPDATE RESIDENTIAL ZONING REGULATIONS**

THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA DOES
ORDAIN:

SECTION 1.

Greenwood ordinance code ~~s~~Section 1102 Definitions is amended **by the addition of**
~~to revise or add~~ the following definitions:

“Average Lot Width means the average of the lot width at the front yard setback line and the lot width at the rear / lake yard setback line with the minimum lot width to be used in the average lot width calculation being 40 feet. Example 1: If the lot width is 70 ft at the front yard setback line and 90 ft at the rear yard setback line, the average lot width is 80 ft $((70 + 90) / 2 = 80)$. Example 2: If the lot width is 100 ft at the front yard setback line and 20 ft at the lake yard setback, the 20 ft side defaults to 40 ft, so the average lot width is 70 feet $((100 + 40) / 2 = 70)$.”

SECTION 2.

The following existing definitions in Greenwood Ordinance Code Section 1102
Definitions are amended to read as follows:

“Lot Width means the **shortest** horizontal straight line distance between the side lot lines at the ~~principal structure front, rear / lake yard~~ setback lines (not including narrow strip(s) of land providing access to the street or lake (commonly called “flag lots”)) **[Add a definition of “Flag Lot” and/or, better, add an illustration of a Flag Lot at Definitions-Yard]**. ~~If the location of the principal structure setbacks is unclear, the zoning~~

~~administrator will make the determination.~~” [This unnecessarily states existing authority or duty of Zoning Administrator.]

“Structure Height means the vertical distance between the building perimeter grade and the highest projection of the structure (e.g. roof peak, chimney, etc).”

“Wall Height is the vertical height measured from the building perimeter grade for the applicable side of the structure to the top of the vertical wall.”

SECTION 2 3.

Greenwood ordinance code section 1115.00 Zoning Districts is amended to read as follows:

“Section 1115.00. Zoning Districts.

Subd. 1. Establishment of Districts. For the purpose of this ordinance, the city is divided into the following districts:

R-1 Single-Family Residential District

R-2 Single-Family Residential District

C-1 Office and Institutional District

C-2 Lake Recreation District

Subd. 2. Zoning Map. The boundaries of the districts established by **Subdivision 1 of** this ordinance are delineated on the **following** zoning map; said map and all notations, references, and data shown thereon are hereby adopted and made part of this ordinance and will be on permanent file, and for public inspection, in the city office of the zoning administrator. It shall be the responsibility of the zoning administrator and staff to maintain said map, and amendments thereto shall be recorded thereon within 30 days after official publication of amendments.

Subd. 3. District Boundaries. The boundaries between districts are, unless otherwise indicated, either the centerlines of streets, alleys, or railroad rights-of-way, or such lines extended or lines parallel or perpendicular thereto. Where figures are shown on the zoning map between a street and a district boundary line that runs parallel to the street at a distance therefrom equivalent to the number of feet stated unless otherwise indicated.

(INSERT NEW MAP SHOWING ALL PREVIOUS R-1A, R-1C, AND R-2 PROPERTIES IN THE NEW R-1 ZONING DISTRICT AND ALL PREVIOUS R-1B PROPERTIES IN THE NEW R-2 ZONING DISTRICT)”

SECTION 3 4.

Greenwood ordinance code section 1120.00 R-1A Single-Family Residential District is amended to read as follows:

“SECTION 1120. R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT.

Section 1120.00. Purpose & Background.

The intent of this district is to provide a **use** zone for single-family dwellings **that will be exclusive of other types of use** for the purpose of creating and preserving the **a quality semi-estate district which also preserves the** residential character of the community.

SECTION 1120.01. Historical Background.

The city of Greenwood was originally developed early in the 20th century with a number of small lots with and without lakeshore to provide seasonal homesites. These lots were intended to be developed with small homes and cabins to enhance the lake experience. As time passed, these seasonal properties were replaced by permanent homes, many with larger dimensions. This development pattern led to a number of

unique lot shapes (e.g. ~~small~~ lots **small in area**, flag lots, and long narrow lots) that **pose practical development challenges, and** do not easily fit into numeric standards. The variance process in section 1155 is used to address unique lots and balance the property owner's wants with the community's needs. Considerations include but are not limited to the following: impact on environment, topography, steep slopes, vegetation, lakes, ponds, streams, and susceptibility to erosion and sedimentation.

The character of the initial development provided a natural setting on the lake or near the lake to allow property owners and others to enjoy the lake setting. Numeric requirements for lake yard setbacks and impervious surface percentages were established, in part, to maintain open spaces around the lake and to maintain the character and setting of the original development.

On December 1, 1992, the city adopted the shoreland management district ordinance (section 1176) to comply with Minnesota state law to protect the waters of Lake Minnetonka. **The Nearly, the** entire city is located within the shoreland management district. **[There are two lots on Minnetonka Blvd at the right angle curve outside the 1000 foot lake set back.]**

Section 1120.02. Public Health, Safety & Welfare.

Setbacks are established to provide important separation between adjacent structures, between structures and streets, and between structures and lakeshore. Reasons for setbacks include, but are not limited to: (1) Prevention of overhanging eaves and other above-ground encroachments onto adjacent properties. (2) To provide space for drainage requirements. (3) To provide adequate access to structures for fire and police inspections and protection. (4) To provide adequate sight lines for vehicles and pedestrians on streets. (5) To protect water quality. (6) To provide separation of

structures between neighboring properties for light, noise, and privacy. (7) To maintain the character of the community.

Section 1120.03. Non-Conforming Lots of Record Grandfathered Rights

For regulations relating to non-conforming lots of record and regulation of information regarding nonconformities, commonly called sometimes referred to as "grandfathered rights," see section 1145.

Section 1120.05. R-1 Permitted Uses.

No building shall be used or shall hereafter be erected, altered or converted in any manner, except as provided in section 1120 et seq. Permitted uses shall be:

Subd. 1. Principal Uses.

- (a) Single-family detached dwellings (excluding the leasing or renting of rooms).
- (b) Open area, parks and playgrounds owned and operated by a public agency, or by a home association for a subdivision or neighborhood.
- (c) Residential subdivisions, including streets, lighting, sanitary sewer service, and water service.
- (d) Uses mandated in state statutes as permitted uses.

Subd. 2. Primary Accessory Uses.

- (a) Private detached garages.
- (b) Tool house, sheds, and similar storage areas for domestic supplies.
- (c) Commonly accepted municipal playground equipment, and park, amenities, shelters, and buildings.
- (d) Boat docks.
- (d) Home occupations as regulated by section 480.
- (e) Signs as regulated in section 1140 et seq.

Subd. 3. Secondary Accessory Uses.

- (a) Off-street parking, driveways, parking pads.
- (b) Play structures, swing sets.
- (c) Patios, decks, slabs, sidewalks.
- (d) Air conditioners, generators.
- (e) Fire pits, outdoor fireplaces, outdoor kitchens for the use and convenience of the resident and their guests.
- (f) Freestanding swimming pools, hot tubs, spas for the use and convenience of the resident and their guests.
- (g) Pergolas, arbors, trellises.

Subd. 4. Conditional Uses.

- (a) Public utilities.
- (b) Permanent in-ground swimming pools and spas for the use and convenience of the resident and their guests.
- (c) Tennis courts, sport courts.
- (d) Signs as regulated in section 1140 et seq.
- (e) Churches, chapels, synagogues, temples, and similar religious buildings.
- (f) Uses mandated in state statutes as conditional uses.
- (g) The 'Theater with attached restaurant' use identified and ~~as~~-regulated under section 1123 et seq, ~~and~~ specifically limited to the premises commonly known as the Old Log Theater and Cast and Cru Restaurant, identified by the County Auditor as ~~common use of~~ Hennepin County PID numbers 26-117-23-31-0028, 26-117-23-31-0036, and 26-117-23-34-0001.

Section 1120.10. R-1 Lot Dimensions.

The following are the minimum standards of required lot area, width, and depth in the R-1 Single Family District regulations shall be considered as minimum standards for lot dimensions:

	Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth
Minimum lot sizes for newly platted, created, or remnant lots after subdivision under section 600. * (see subdivision section 600)	15,000 sq ft	75 ft street frontage for off-shore lots. 75 ft lake frontage for lakeshore lots.	150 ft
Minimum lot sizes for existing remaining lots when a portion has been severed and is accreted onto a neighboring lot under section 600. * (see simple subdivision section 600.07)	15,000 sq ft	75 ft	150 ft
Minimum lot sizes required of for existing lots of record necessary for the construction of building a single-family home thereon. (see section 1120.22)	6750 sq ft	40 ft at the building line	No minimum lot depth

*(See subdivision regulations, Section 600)

[The terms of regulations relating to lot sizes before and after subdivision is best made by reference to Section 600.07, rather than paraphrasing hereat. The Third block in the table must match Section 1176.04, Subd. 10.]

Section 1120.15. R-1 Setbacks & Impervious Surface Standards.

The following are the minimum shall be considered as setback and maximum impervious surface standards in the R-1 Single Family District:

	Front Yard Setback	Interior Side Yard Setback	Exterior Side Yard Setback (Corner Lot)	Rear Yard Setback	Lake Yard Setback	Maximum Impervious Surface Coverage

Single-Family Principal Structure	30 ft	<p>The side yard setback is 15 ft for no more than 70 lineal ft of principal structure and 20 ft for the principal structure amount in excess of 70 ft. For average lot widths of less than 75 ft, section 1120.16 may provide reduced setbacks for no more than 70 lineal ft of principal structure.</p> <p>[THIS IS CONFUSING; THE REFERENCE TO 70 LINEAL FEET, IS CONFUSING. THIS SHOULD BE RESTATED. IF A SET NUMBER IS CANNOT BE STATED, THEN REFERENCE TO THE CONTROLLING ORDINANCE SECTION IS NEEDED]</p>	30 feet	35 feet	50 ft	<p>For lots of 10,000 or more square feet in area, the maximum impervious surface coverage is 30% for lots with area of 10,000 sq ft or greater</p> <p>For lots less than 10,000 sq ft square feet in area, the maximum impervious surface coverage is equal to $[40 - (\text{the total lot area in square feet} \times .001)]$ subtracted from 40. (See, *Calculation Example below.)</p>
Accessory Structures	See section 1140.10 for Accessory Structures and Uses (primary and secondary) Setbacks and General Regulations					

(*For example, Calculation Example: the maximum ~~hardcover~~ impervious surface for a 8,500 sq ft lot would be calculated as follows: ~~31.5%~~: $[40 - (8,500 \times .001)]$, or ~~=8.5~~

and $40 - 8.5 = 31.5$. Based upon the foregoing, the maximum impervious surface for the sample 8500 sq ft lot, expressed as a percentage of the area of the lot, would be: 31.5%.)

Section 1120.16. R-1 Interior Side Yard Setback for Average Lot Widths Lots of less than 75 Feet in width.

Subd. 1. For lots whose average lot widths of is less than 75 ft, the interior side yard setback is reduced shall be the lesser of the interior side yard setback stated in Section 1120.15 or to 20% of the average lot width lot's average width; provided, however, that in no event shall the side yard setback be less than 8 ft. a minimum of 8 ft. for no more than 70 ft of lineal principal structure. If

Subd. 2. In the event a lot has a pre-existing (grandfathered) side yard setback that is less than the required side yard setback required in Section 1120.15, then the required side yard setback on the other for the side yard on the opposite side of the lot shall be increased by an amount equal to the difference between the required side yard setback distance stated in Section 1120.15 and the existing (grandfathered) side yard setback; distance, but in no case provided, however, that in no event shall the side yard setback required for the opposite side yard be more greater than 15 ft. See, Claculation Examples below.

Calculation Example 1: If a parcel with an average lot width of 50 ft has an existing (grandfathered) principal structure that is 8 ft from the side yard line, the required setback for the side yard on the opposite side of the lot for the other side yard shall be 12 ft, calculated as follows: $(20\% \times 50 \text{ ft})$

$(\text{Lot width of less than 75 ft} \times 0.20) = X$; here, X equals $(50 \text{ ft} \times 0.20) = 10 \text{ ft}$.

$(X - \text{Existing side yard setback that is less than code required}) = Y$;

here, Y equals $(10 \text{ ft} - 8 \text{ ft}) = 2 \text{ ft}$.

$(X + Y) =$ (Required setback for the side yard on the opposite side of the lot); here, $(10 \text{ ft} + 2 \text{ ft}) = 12 \text{ feet}$.

Calculation Example 2: If a parcel with an average lot width of 60 ft has an existing (grandfathered) principal structure that is 5 ft from the side yard line, the required setback for the side yard on the opposite side of the lot ~~other side yard~~ shall be 15 ft, calculated as follows:

$(\text{Lot width of less than } 75 \text{ ft} \times 0.20) = X$; here, X equals $(60 \text{ ft} \times 0.20) = 12 \text{ ft}$.

$(X - \text{Existing side yard setback that is less than code required}) = Y$;

here, Y equals $(12 \text{ ft} - 5 \text{ ft}) = 7 \text{ ft}$.

$(X + Y) =$ (Required setback for the side yard on the opposite side of the lot); here, $(12 \text{ ft} + 7 \text{ ft}) = 19 \text{ feet}$.

~~$(20\% \times 60 \text{ ft} = 12 \text{ ft}, 12 \text{ ft} - 5 \text{ ft} = 7 \text{ ft}, 12 + 7 \text{ ft} = 19 \text{ ft},$ However, Subd. 2 , above provides that 'in no event shall the side yard setback required for the opposite side yard be greater than 15 ft', so the required setback will default to the standard 15 ft maximum. setback for up to 70 lineal ft of principal structure on the non-grandfathered side of the property).~~

Section 1120.20. R-1 Minimum Building Standards.

Subd. 1. Principal structures ~~(new construction or new additions)~~ in the district shall:

(a) not exceed 28 ft in building height and 42 ft in structure height;

(b) not have an exterior wall of a principal structure facing a side yard whose wall height ~~that~~ exceeds 1.5 times the applicable side yard setback distance ~~within 20 ft of the side property line~~, unless the existing side yard is 20 ft or greater.

~~(for, Example:~~ the maximum wall height for of an exterior wall of a principal structure located 15 ft from the side property line is 22.5 ft);

(c) have a minimum width of 25 ft;

(d) have a minimum footprint area of 800 sq ft;

- (e) ~~be served by~~ ~~have~~ an attached or detached garage and a hard-surfaced (~~see section 1140.46~~) driveway to the public street, (~~see Section 1140.46~~); and
- (g) meet all current standards of city building codes and appendices.

Subd. 2. ~~Properties that require variances from setback and / or impervious surface requirements in order to meet the building standards listed in subdivision 1 above may qualify for the “practical difficulty” standard for the consideration of variances (see section 1155).~~ ~~Variances to the above standards are regulated under Section 1155.~~

Subd. 3. Primary accessory structures (new construction or new additions) in the district shall:

- (a) be limited to 1 private garage e, and 1 tool house or shed or similar storage building per principal structure;
- (b) not exceed 15 feet in building height;
- (c) have a maximum combined main floor ~~square footage space~~ of all primary accessory structures on the lot of 1,000 square feet or 60% of the total ~~at-grade,~~ main floor square footage of the principal structure including ~~the square footage of any~~ attached garage ~~square footage~~ – whichever is less;
- (d) meet all current standards of city building codes and appendices.

Section 1120.22. R-1 Lots of Record.

Subd. 1. A “lot of record” is a lot filed in the office of the Hennepin county register of deeds on or before December 1, 1992.

Subd. 2. A lot of record that has no habitable residential dwelling shall be allowed as a single-family residential building site without ~~need for~~ a variance from lot size ~~minimum~~ requirements ~~hereunder required in state rules and / or statutes~~, provided:

1. the lot is 6750 sq. ft. or greater;
2. the lot width at the building line is 50 ft. or greater;
3. the lot is in separate ownership from abutting lots; and
4. the lot has access to a public sewer.

~~Variances will be required~~ If the proposed single-family residential structure ~~exceeds~~ ~~fails to meet~~ city ~~code~~ setback, height, volume, or impervious surface ~~requirements and~~ regulations, ~~variances thereto, if permitted by law and approved in the discretion of the city council, must be first obtained. See Section 1155.~~

Subd. 3. Any **riparian** lot of record that is less than 9,900 sq. ft. that has ~~had~~ no habitable residential dwelling ~~thereon in the preceding 12 months~~, and abuts another lot (with or without a habitable residential dwelling) that is under the same ownership must be combined with the abutting lot and must not be considered as a separate parcel for the purposes of sale or development.

Subd. 4. Any **nonriparian** lot of record that is less than 6,600 sq. ft. that has ~~had~~ no habitable residential dwelling ~~thereon in the preceding 12 months~~, and abuts another lot (with or without a habitable residential dwelling) that is under the same ownership must be combined with the abutting lot and must not be considered as a separate parcel for the purposes of sale or development.

~~Subd. 5. A portion of land may be accreted from a lot of record and combined with a second abutting lot of record as long as the remainder of the first lot is 15,000 sq. ft. or greater and the property remains otherwise zoning code compliant.~~

~~See simple subdivision section 600.07.~~ ~~[This is best left stated in Section 600.07. If deemed necessary, a reference thereto might be included hereat]~~

Section 1120.25. R-1 General Regulations.

Additional requirements for the R-1 district are set forth in section 1140 et seq. of this ordinance."

SECTION 3 4.

~~Greenwood ordinance code section 1122.00 R-1B Single Family Residential District is amended to change all references of R-1B to R-2 and all references of R-1A to R-1.~~

Greenwood Ordinance Code Section 1122 is amended to read as follows:

[HEREAT Please restate Section 1122.00 in full with changes desired.]

SECTION 4 5.

Greenwood ordinance code section 1123.00 R-1C Single-Family Residential District is amended to read as follows:

“SECTION 1123. REGULATIONS FOR THEATER WITH ATTACHED RESTAURANT

Section 1123.00. Purpose.

~~The purpose of t~~ This section carries forward ~~is to~~ established ordinances and regulations ~~that~~ allowing the continuing operation of an established theater with attached restaurant in the manner it has been used historically heretofore and providing for possible enlargement of facilities and / or intensification of established uses by conditional use permit first obtained in a manner that is compatible with the surrounding residential community and provides flexibility to address changing business conditions.

Section 1123.15. Setbacks and Permitted Impervious Surfacing Hardcover for Theater with Attached Restaurant.

Land Use	Front Yard (Southerly Yard - Parking Lot)	Side Yard (Easterly Yard - Trail)	Exterior Side Yard (Westerly Yard)	Rear Yard (Northerly Yard - Pond)	Impervious Surfacing Hardcover
Theater with Attached Restaurant	180 feet	15 feet	50 feet	Per Watershed Rules	Not more than 30% of lot area shall be occupied by buildings and / or impervious surfacing
Theater with Attached Restaurant <u>Primary</u> Accessory Structures	180 feet	10 feet	35 feet	Per Watershed Rules	
Theater with Attached Restaurant <u>Secondary</u> Accessory Structures	See section 1140.10 subd. 2C for Setbacks and General Regulations for Secondary Accessory Structures and Uses				

Section 1123.25. Lawful Use or Occupation of the Land or Premises Commonly Known as The Old Log Theater (Theater with Attached Restaurant), 5185 Meadville Street, Greenwood, Minnesota, (Hennepin County PID Nos. 26-117-23-31-0028, 26-117-23-31-0036, and 26-117-23-34-0001), Existing at the Time of the Original Adoption of this Control.

Subd. 1. Findings. After review and investigation, the city adopted resolution 31-13 which sets forth findings on the established use and manner to which the “Theater with Attached Restaurant” property commonly known as the Old Log Theater, 5185 Meadville Street, Greenwood, Minnesota, (Hennepin County PID numbers 26-117-23-31-0028, 26-117-23-31-0036, and 26-117-23-34-0001), has historically been put. Said

resolution is intended to serve as the factual basis for the terms and conditions of conditional use regulation under section 1123 et seq. related thereto.

Subd. 2. Authorized Use. The following enumeration of business practices, excerpted from resolution 31-13, describes the manner to which use of the Old Log Theater (described in subd. 1, above), may, as of the adoption of this control (12-04-13), be put:

- (a) Public business hours for theater performances, on-site food service, ticketing, and the business office shall be between 8am and 11pm. Special events may be between 8am and 12midnight.
- (b) Liquor service shall comply with the city's liquor ordinances (section 820).
- (c) With the exception of noise-creating activities, there are no restrictions on hours for supporting activities necessary to the Old Log's operations, including: office, scene shop, cleaning, and food preparation.
- (d) Noise-producing activities such as building, landscaping, and scenery construction, shall be limited to between 8am and 8pm, Monday-Saturday.
- (e) General deliveries, garbage collection, and food service truck deliveries shall be limited to between 8am and 8pm.
- (f) In addition to live theater performances, the Old Log may host special events (e.g. concerts, weddings, and private / public events) on the Old Log campus as desired. However, the parking lot shall not be employed for purposes other than parking. Noise related to special events shall be managed so as not to adversely impact neighboring residential properties. Special event revenue is estimated to be 25% of total annual revenue.
- (g) The Old Log's kitchen, dining room, and bar may offer service to the public independent of theater performances during the public business hours stated in (a) above.
- (h) Box lunches may be consumed on the grounds.
- (i) Parking of all vehicles, including buses, shall be on site 95% of the need. Buses

shall be turned off while parked and may idle 10 minutes prior to boarding passengers. Except in cold weather buses may idle more frequently as needed.

(j) Outdoor events shall not employ amplified music.

Section 1123.30. Events Necessitating a Conditional Use Permit Be Obtained Relative to Section 1120.05 Subd 4(g), Theater with Attached Restaurant.

Subd. 1. Conditional Use Permit Required. Subject to the rights granted property owners under Minnesota statute 462.357 Subd.1e (a), which provides, in part, that “any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion,” any one or more the following events related to the “Theater with Attached Restaurant” property commonly known as the Old Log Theater, 5185 Meadville Street, Greenwood, Minnesota, (Hennepin County PID numbers 26-117-23-31-0028, 26-117-23-31-0036, and 26-117-23-34-0001) shall require a conditional use permit be first obtained:

- (A) Request for a building permit or zoning approval for physical expansion of any existing building or the addition of impervious surface to said property beyond what existed as of the adoption of this control.
- (B) Any change to the manner of use of said property as authorized in section 1123.25, subd. 2.

Section 1123.35. Minimum Building Requirements for Permitted Conditional Uses Under Section 1120.05 Subd 4(g), Theater with Attached Restaurant.

Subd. 1. Conditional permitted principal structures and associated accessory structures authorized under section 1120.05 subd 4(g) shall, in addition to other restrictions of this ordinance and any other applicable ordinances of the city, meet the following standards:

- (1) Principal buildings structures shall be limited to 1 in number and shall not exceed 28 feet in building height or more than 42 feet in structure height and shall be built in conformance with this code and current applicable building code.
- (2) Accessory buildings / structures shall be limited to 4 in number plus 1 gazebo and individually shall not be greater than 15 feet in building height or more than 28 feet in structure height. In no event shall the accessory buildings combined exceed 60% of the total at grade, main floor square footage of the principal theater building / structure,
- (3) Subject to variance, under the practical difficulties standard, all additions to the principal theater building and supporting accessory buildings / structures shall be constructed of the same materials or higher quality materials and shall reasonably conform to the architecture of the buildings in existence as of the adoption of this control (12-04-13).
- (4) All exterior finishes on any building shall be any single one or combination of the following:
 - a. Face brick,
 - b. Natural stone,
 - c. Wood which meets appropriate fire codes and has been reviewed by the planning commission and approved by the city council,
 - d. Any other exterior finish that has been reviewed by the planning commission and approved by the city council, In no event shall precast concrete units, including those with surfaces that have been integrally treated with an applied decorative material or texture be employed for exterior finishes, provided that in no event shall proposed exterior finishes matching an existing building be deemed unacceptable.
- (5) Architectural Compatibility. Building structure, design, and exterior finish materials, including exterior remodeling projects, are subject to review by the planning commission and the city council for acceptability of proposed materials, architectural compatibility with the residential R-1 district and its established past historic use,

and to determine whether the proposal is in keeping with the predominately residential character of the surrounding neighborhoods, local public amenities, and the city in general. Building appearance will be considered from a 360° perspective.

Section 1123.40. Regulation and Imposition of Conditions on Permitted Conditional Uses Authorized Under Section 1120.05 Subd 4(g), Theater with Attached Restaurant.

Subd. 1. Permitted Conditions. In addition to the conditions related to public health, safety, and welfare that the council may impose on conditional uses under section 1150, in considering and issuing or amending a conditional use permit for a “Theater with Attached Restaurant” under section 1120.05 subd 4(g) the council may impose conditions related to the use of the buildings and structures and operation of any the business operated upon the property including, but not limited to, any of the following:

- A. Odor regulation and management
- B. Noise limits and management
- C. Limits on operational hours
- D. Traffic management and control
- E. Outdoor lighting
- F. Employee parking
- G. Delivery routes and service vehicles including service times and weight restrictions
- H. Refuse collection and related issues including service times and weight restrictions
- I. Carry-out food service
- J. Catering service
- K. Repair and maintenance of public roads burdened by theater related traffic
- L. Alcohol
- M. Outdoor events
- N. Number, size, and location of buildings and accessory structures.”

SECTION 5 6.

Greenwood ordinance code section 1125.00 R-2 Single Family Residential District is repealed in its entirety.

SECTION 6 7.

Greenwood ordinance code section 1145.00 ~~Nonconformities~~ is amended to read as follows: ~~paragraphs (d) through (h) and (j) are deleted in their entirety.~~

[HEREAT: Please restate Section 1145.00 as desired.]

SECTION 7 8.

Greenwood ordinance code section 1176.04, Subdivision 3 Minimum Lot Size, Width, Building Height, and Impervious Coverage is amended to read as follows:

“Section 1176.04, Subd. 3. Minimum Lot Size, Width, Building Height, and Impervious Coverage.

(1) *Dimensions.* All single lots created after December 1992 must meet or exceed the following dimensions:

	Riparian and Non-Riparian Lots	Office District	Lake Recreation District
	R-1	C-1	C-2
Lot Area (sq. ft.) abutting water and not abutting water	15,000	10,000	10,000
Lot Width at building line (ft.)	75	75	75
Building Setback from OHWL (ft.)	50	50	50
Maximum Building Height	28	35	30*

* The 30-foot building height limit within the C-2 lake recreation district is subject to the following exception: The maximum building height for multi-family residential structures of 8 units or greater may exceed 30 feet but shall not be

greater than 32 feet for structures with gabled roofs of not less than 5/12; pitch; all other roof / building design or uses within the C-2 district shall not exceed 30 feet in height. See section 1102 for definition of “building height.”

[OMISSION: The above table omits reference to the R-2 Single-Family Residential District referenced in Section 1115, above. This should be corrected.]

(2) *Exceptions to Setbacks.* Setback requirements from the ordinary high water level shall not apply to authorized secondary accessory structures, boathouses, and docks.

(3) *Impervious Coverage.*

- a) Impervious surface coverage in all residential districts as expressed as a percentage of the lot area, shall not exceed the standards set forth on the table in section 1120.15.
- b) Impervious surface coverage in all commercial districts, expressed as a percent of the lot area, shall not exceed 30%, provided that because of the additional hardcover required for typical commercial developments, the maximum impervious surface in commercial districts may be increased to a maximum of 75% with a conditional use permit first obtained under sections 1150 and 1176.07 of this code, supported by an applicant prepared stormwater management plan meeting the approval of the city engineer. The city engineer, planning commission, and / or city council will require an applicant to implement stormwater management practices deemed necessary to control and minimize or control stormwater and off site runoff, including but not limited to, rain gardens, holding ponds, reductions in proposed impervious surfaces, and other accepted stormwater management techniques and methods.”

SECTION 9.

Greenwood ordinance code section 1176.04 **Subdivision** 10 is amended to read as follows:

“Section 1176.04, Subd. 10. Lots of Record. See, As regulated at sections 1120.22 and _(insert reference to the applicable section of code regulating R-2 zone Lots of Record, lot sizes)_____ of this code.”

SECTION 9 10.

Greenwood ordinance code section 1176.07.05, Subdivision 4 (1) is amended to read as follows:

“Section 1176.07.05, Subd. 4. Impervious Surface Policies and Conditions.

1. Variance applicants with total impervious surface coverage in excess of the permitted percentage as shown in the table in section 1120.15 shall have the burden of proof to establish that the such excess impervious surface coverage is pre-existing a-legal nonconforming use by a showing of clear and convincing evidence that the excess impervious surface coverage was in existence prior to the adoption of the Shoreland Management Ordinance (December 1992), or by showing the excess was subsequently permitted and approved by the city council action. If no such evidence exists, the city council may require the property owner to reduce impervious surfaces as a condition of variance approval.”

[MISTAKEN DELETION: Existing Subd. 4 language Re: bluff and right of way setbacks should be retained.]

SECTION 10 11.

Effective Date. This ordinance shall be effective upon publication according to law.

Enacted by the city council of Greenwood, Minnesota this ____ day of _____, 2018.

____ AYES ____ NAYS

CITY OF GREENWOOD

By: _____

Debra J. Kind, Mayor

Attest: _____

Dana H. Young, City Clerk

First reading: _____, 2018

Second reading: _____, 2018

Publication: _____, 2018

RESOLUTION 19-18

**A RESOLUTION OF THE CITY OF GREENWOOD, MINNESOTA
APPROVING PUBLICATION OF ORDINANCE NUMBER 279 BY TITLE AND SUMMARY**

WHEREAS, on _____, 2018 the city council of the city of Greenwood adopted "Ordinance 279 Amending Greenwood Ordinance Code Chapter 11 to Update Residential Zoning Regulations."

WHEREAS, the city council has prepared a summary of ordinance 279 as follows:

1. The purpose of this ordinance is to regulate properties based on the characteristics of the lot instead of lot location to reduce the severity of variance requests in addition to setting reasonable expectations for property owners and potential owners.
2. The ordinance addresses permitted uses, lot dimensions, setbacks, impervious surfaces, and wall heights.
3. The ordinance also cleans up language regarding Building Standards and Lots of Record.

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENWOOD:

1. The city council finds that the above title and summary of ordinance 279 clearly informs the public of intent and effect of the ordinance.
2. The city clerk is directed to publish ordinance 279 by title and summary, pursuant to Minnesota statutes, section 412.191, subdivision 4.
3. A full copy of the ordinance is available at the Greenwood city office, 20225 Cottagewood Road, Deephaven, MN 55331.

ADOPTED by the city council of the city of Greenwood, Minnesota this ____ day of _____, 2018.

____ AYES ____ NAYS

CITY OF GREENWOOD

By: _____

Debra J. Kind, Mayor

Attest: _____

Dana H. Young, City Clerk

CITY OF GREENWOOD

Debra J. Kind, Mayor

Attest: Dana H. Young, City Clerk

First reading: _____, 2018

Second reading: _____, 2018

Publication: _____, 2018



Agenda Number: 7D

Agenda Date: 08-01-18

Prepared by Dale Cooney

Agenda Item: Discuss possible revisions to Section 1140.19 regarding grading limitations

Summary: The planning commission has expressed concerns that the current city grading ordinance is too restrictive and has recommended that the city council consider amending the ordinance. Per the code, the purpose of the grading ordinance "is to review significant grading projects in order to determine and mitigate impacts related to site drainage and stormwater and adherence to the city's height regulations."

The city's grading ordinance was revised in September of 2016 to eliminate the variance requirement such that all grading requests would come before the city as conditional use permits. At the same time, the threshold triggering a conditional use permit was lowered to encompass any project that involves more than 200 square feet of surface area, and involves more than 7 cubic yards of material. 7 cubic yards of soil is equal to 6 inches of soil over 378 square feet.

The previous iteration of the ordinance required a conditional use permit for any grading or site/lot topography alteration request involving more than 200 square feet of surface area, or involving more than 20 cubic yards of material. The previous iteration of the ordinance also required a variance for any elevation increase or decrease of more than 2 feet in any area greater than 300 square feet.

Under the new grading regulations, nearly all new construction houses would be required to obtain a grading conditional use permit, since standard perimeter swales and grading exceed these thresholds. Further, the new regulations have the potential to require even small grading projects to navigate the city process.

It is staff's opinion that some kind of elevation decrease/increase limit from existing conditions should also be included in any ordinance amendment. A small project that changes the height of a grade dramatically has the potential to create greater negative impacts than a larger project (impacting greater soil volumes and area) that is a modest change to existing grades.

Other Municipal Grading Ordinances: Per the planning commission's request, staff researched existing grading regulations from other west metro cities. Staff has included that information as a part of this memo.

Planning Commission Action: The planning commission reviewed several other municipal ordinances and recommended that the city council consider an ordinance comparable to Deephaven's current regulations. Per that ordinance, administrative/city engineer review is triggered at 50 cubic yards or altering a grade by up to 3 feet in an area greater than 300 square feet. Any land alteration greater than 3 feet at any one point requires a variance. Unlike Deephaven, the planning commission favored keeping any grade alteration exceeding 3 feet as a conditional use permit.

GREENWOOD

Section 1140.19. Grading Regulation & Restrictions.

Subd. 1. Purpose. The purpose of this ordinance is to review significant grading projects in order to determine and mitigate impacts related to site drainage and stormwater and adherence to the city's height regulations.

Subd. 2. Grading Permit Required. No disturbance of the existing surface of land or the grading or alteration of the topography of land or of a lot shall be performed without a permit first obtained.

Subd. 3. Grading Permit Application. Application for a grading permit shall be made to the zoning administrator. In support of a grading permit the applicant shall set forth in writing a full description of the grading or site / lot topography alteration to be performed, including:

- (a) the total surface area to be moved, disturbed, cut or filled,
- (b) the total volume of soil or earth to be moved, disturbed, cut or filled,
- (c) the reason why the grading or topography alteration is required,
- (d) whether the work is required for the remodeling of an existing structure or construction of a new structure, whether the grading or topography alteration or disturbance is due to drainage issues related to existing
- (e) topography or structures,
- (f) whether the grading or topography alteration or disturbance is or due to circumstances not related to the land or existing drainage issues but due to an election by the property owner to make an addition to a principal or accessory structure,
- (g) the cubic feet of material to be disturbed, added and removed,
- (h) the surface area in square feet to be disturbed.

If upon review, the zoning administrator is satisfied a) that the application is complete, b) that the application is supported by a statement of accuracy, c) that the grading or site / lot topography alteration request does not involve more than 200 square feet of surface area, and d) that the grading or site / lot topography alteration does not involve or more than 7 cubic yards of material, and e) the grading or site / lot alteration will not alter the existing drainage pattern or concentrate or accelerate the flow of water off the lot, a grading permit may be issued without a conditional use permit first obtained. All other grading permit requests shall require a conditional use permit application pursuant to section 1150 of this code.

Subd. 4. Additional Information Required in Support of Grading Conditional Use Permit Applications. Grading conditional use permits, shall, in addition to all of the information required in subdivision 2 above and all information required under section 1150, be supported by i) a current topographic survey by a licensed surveyor illustrating the existing topography of the entire lot in 2-foot contours, existing drainage pattern, existing drainage volumes, existing mean lot grade, ii) a topographic of the entire lot showing proposed topography in 2-foot contours post grading, proposed drainage pattern, proposed drainage volumes, the proposed mean lot grade, and the proposed Building Perimeter Grade, and iii) a stormwater management plan for the entire lot post grading prepared by a civil engineer meeting the approval of the city engineer.

Subd. 5. Grading Limitations. In considering the issuance of a conditional use permit application for grading or site / lot alteration, the city may impose reasonable restrictions to protect property, both public and private, from concentrated or redirected stormwater flow, inundation, flooding, erosion, water hazard, ponding, or damage. The city may impose stormwater management and drainage controls, including but not limited to, holding ponds or other water management methods recommended by the city engineer, and such other requirements as are deemed necessary to protect the public health safety and welfare against actual or potential harm or other damage related to the proposed grading or site / lot alteration. In granting a grading conditional use permit the city may require that the proposed above grade building volume, building height, and structure height be determined using and limited by the existing building perimeter grade or a previous estimated building perimeter grade, if the site has had previous grading performed instead of the proposed building perimeter grade.

Subd. 6. Grade Alteration. The existing grade of a lot shall not be altered by the addition or removal of fill or by grading so as to increase or decrease the average elevation of the land by more than 1 foot in any area greater than 100 square feet without the approval of the city engineer. The measurements shall be calculated by averaging the lowest point of elevation and highest point of elevation in the square foot area on the existing survey compared to the proposed survey.

(THIS SECTION AMENDED BY ORD 261 SEP 2016)

GREENWOOD

Section 1140.19. Grading Regulation & Restrictions.

Subd. 1. Purpose. The purpose of this ordinance is to review significant grading projects in order to determine and mitigate impacts related to site drainage and stormwater and adherence to the city's height regulations.

Subd. 2. Grading Permit Required. No disturbance of the existing surface of land or the grading or alteration of the topography of land or of a lot shall be performed without a permit first obtained.

Subd. 3. Grading Permit Application. Application for a grading permit shall be made to the zoning administrator. In support of a grading permit the applicant shall set forth in writing a full description of the grading or site / lot topography alteration to be performed, including:

- (a) the total surface area to be moved, disturbed, cut or filled,
- (b) the total volume of soil or earth to be moved, disturbed, cut or filled,
- (c) the reason why the grading or topography alteration is required,
- (d) whether the work is required for the remodeling of an existing structure or construction of a new structure, whether the grading or topography alteration or disturbance is due to drainage issues related to existing
- (e) topography or structures,
- (f) whether the grading or topography alteration or disturbance is or due to circumstances not related to the land or existing drainage issues but due to an election by the property owner to make an addition to a principal or accessory structure,
- (g) the cubic feet of material to be disturbed, added and removed,
- (h) the surface area in square feet to be disturbed.

If upon review, the zoning administrator is satisfied a) that the application is complete, b) that the application is supported by a statement of accuracy, c) that the grading or site / lot topography alteration request does not involve more than 200 square feet of surface area, and d) that the grading or site / lot topography alteration does not involve or more than 7 cubic yards of material, and e) the grading or site / lot alteration will not alter the existing drainage pattern or concentrate or accelerate the flow of water off the lot, a grading permit may be issued without a conditional use permit first obtained. All other grading permit requests shall require a conditional use permit application pursuant to section 1150 of this code.

Subd. 4. Additional Information Required in Support of Grading Conditional Use Permit Applications. Grading conditional use permits, shall, in addition to all of the information required in subdivision 2 above and all information required under section 1150, be supported by i) a current topographic survey by a licensed surveyor illustrating the existing topography of the entire lot in 2-foot contours, existing drainage pattern, existing drainage volumes, existing mean lot grade, ii) a topographic of the entire lot showing proposed topography in 2-foot contours post grading, proposed drainage pattern, proposed drainage volumes, the proposed mean lot grade, and the proposed Building Perimeter Grade, and iii) a stormwater management plan for the entire lot post grading prepared by a civil engineer meeting the approval of the city engineer.

Subd. 5. Grading Limitations. In considering the issuance of a conditional use permit application for grading or site / lot alteration, the city may impose reasonable restrictions to protect property, both public and private, from concentrated or redirected stormwater flow, inundation, flooding, erosion, water hazard, ponding, or damage. The city may impose stormwater management and drainage controls, including but not limited to, holding ponds or other water management methods recommended by the city engineer, and such other requirements as are deemed necessary to protect the public health safety and welfare against actual or potential harm or other damage related to the proposed grading or site / lot alteration. In granting a grading conditional use permit the city may require that the proposed above grade building volume, building height, and structure height be determined using and limited by the existing building perimeter grade or a previous estimated building perimeter grade, if the site has had previous grading performed instead of the proposed building perimeter grade.

Subd. 6. Grade Alteration. The existing grade of a lot shall not be altered by the addition or removal of fill or by grading so as to increase or decrease the average elevation of the land by more than 1 foot in any area greater than 100 square feet without the approval of the city engineer. The measurements shall be calculated by averaging the lowest point of elevation and highest point of elevation in the square foot area on the existing survey compared to the proposed survey.

(THIS SECTION AMENDED BY ORD 261 SEP 2016)

801.16.3: PLATTED AND UNPLATTED PROPERTY:

- A. Any person desiring to improve property shall submit to the Building Official a survey of said premises and information on the location and dimension of existing and proposed buildings, location of easements crossing the property, encroachments, and any other information which may be necessary to insure conformance to City Ordinances.
- B. All buildings shall be so placed so that they will not obstruct future streets which may be constructed by the City in conformity with existing streets, adopted plans, and according to the system and standards employed by the City.
- C. Substandard lots of record shall be governed by Section 801.15 of this Ordinance.
- D. Except in the case of planned unit development as provided for in Section 801.33 of this ordinance, not more than one (1) principal building shall be located on a lot. The words "principal building" shall be given their common, ordinary meaning as defined in Section 801.02 of this Ordinance, in the case of doubt or on any questions or interpretation the decision of the Zoning administrator shall be final, subject to the right to appeal to the Planning Commission and City Council. Except in the C-2 District, shopping centers shall be interpreted as having more than one (1) principal building.
- E. On a through lot (a lot fronting on two (2) parallel streets), both street lines shall be front lot lines for applying the yard and parking setback regulations of this Ordinance. In addition, no home on a through lot or corner lot in any residential zone shall maintain direct access to any arterial street designated as such by the Comprehensive Plan.
- F. When a development is proposed which is to be located on two or more lots, and such lots are required to meet the minimum district area and frontage requirement and/or are required to accommodate the use, the lots shall be combined in accordance with the City's Subdivision Ordinance, prior to the issuing of a building permit.
- G. When two or more lots are located in the same residential district, one or more of which lack adequate area or dimensions to qualify for residential use under the current Ordinance requirements and are contiguous and held in one ownership, they shall be combined for use in order to meet the lot requirements by subdividing the property in accordance with the Subdivision Ordinance.

801.16.4: GRADING AND DRAINAGE:

- A. No land shall be developed and no use shall be permitted that results in water runoff causing flooding, erosion, or deposit of minerals on adjacent properties. Such runoff shall be properly channeled into a storm drain, water course, ponding area, or other public facilities subject to the review and approval of the City Engineer.
- B. In the case of all residential subdivisions, multiple family, and business developments, the grading and drainage plans shall be submitted to the City Engineer for review and the final drainage plan shall be subject to the Engineer's written approval. In the case of such uses, no modification in grade and drainage flow through fill, erection of retaining walls or other such actions shall be allowed until such plans have been reviewed and received written approval from the City Engineer.
- C. Except for written authorization of the City Engineer, the top of the foundation and garage floor of all structures shall be one (1) foot above the grade of the crown of the abutting street upon which the property fronts.
- D. Modifications which serve to alter the average and typical natural grade of an individual lot more than two (2) feet shall require the approval of the City Council.

shall be combined in accordance with the City's Subdivision Ordinance, prior to the issuing of a building permit.

- f. When two or more lots are located in the same residential district, one or more of which lack adequate area or dimensions to qualify for residential use under the current Ordinance requirements and are contiguous and held in one ownership, they shall be combined for use in order to meet the lot requirements by subdividing the property in accordance with the Subdivision Ordinance.
- g. No division of a parcel shall be made which leaves remaining any lot with frontage or area below the requirements stated in this Ordinance.
- h. Except in the case of planned unit development as provided for in Section 1006 of this Ordinance, not more than one (1) principal building shall be located on a lot.

Subd. 4. Grading and Drainage.

- a. No land shall be developed and no use shall be permitted that results in water runoff causing flooding, erosion, or deposit of minerals on adjacent properties. Such runoff shall be properly channeled into a storm drain, watercourse, ponding area, or other public or private facilities subject to the review and approval of the City Engineer.
- b. In the case of all residential and commercial development activity, the grading and drainage plans shall be submitted to the City Engineer for review and the final drainage plan shall be subject to the Engineer's written approval. In the case of such uses, no modification in grade and drainage flow through fill, erection of retaining walls or other such actions shall be allowed until such plans have been reviewed and received written approval from the City Engineer.
- c. Except for written authorization of the City Engineer, the top of the foundation and garage floor of all structures shall be one (1) foot above the grade of the crown of the abutting street upon which the property fronts.
- d. Modifications which serve to alter the average and typical natural grade of an individual lot more than two (2) feet shall require the review of the City Engineer and approval of the City Council.
- e. The City Council, at its sole discretion, may determine the necessity of a performance bond for grading and drainage projects. Issuance of a performance bond shall comply with the provisions found in Section 1003.03.6 of this Ordinance.

Subd. 5. Traffic Sight Visibility Triangle. Except for a governmental agency for the purpose of screening, no wall, fence, structure, tree, shrub, vegetation or other obstruction shall be placed on or extend into any yard or right-of-way so as to pose a danger to traffic by obscuring the view of approaching vehicular traffic or pedestrians from any street or

Deaphane

- (c) Applications for all new structures and additions increasing the existing footprint of the structure greater than 20%, will provide to the city an as-built survey, prepared by a Minnesota Registered Land Surveyor and submitted to the city for review and approval upon the completion of all structures and additions to the buildings, unless exempted in writing by the Zoning Coordinator. The as-built survey will certify both the final (front, side, rear, lake and wetland) setbacks of the structure being built and the elevations at which the new structure exists. The city reserves the right to withhold the certificate of occupancy for a dwelling until a final as-built survey has been submitted and approved.
- (d) Applications for all new structures and additions increasing the existing footprint of the structure greater than 20%, will provide to the city an as-built grading survey, signed by a licensed engineer or land surveyor and certified that the grades and elevations are in conformance with the city approved grading plan and that permanent iron monuments are in place at each lot corner, upon completion of work unless exempted in writing by the Zoning Coordinator. The as-built grading survey will certify the final topography of the site and verify the drainage patterns existing upon completion of work and provide hardcover calculations. The city reserves the right to withhold the certificate of occupancy for a dwelling until final grading addresses all problems that may be detrimental to adjacent properties.
- (e) In the event that weather or other conditions prevent the completion of an as-built survey at the time the Certificate of Occupancy is requested, the city may issue a temporary Certificate of Occupancy provided that applicant provide a \$2,500 escrow fee to ensure completion of the as-built survey. The escrow fee shall be returned to the permit applicant, without interest upon successful completion and submission to the city.
- (f) Surveys will include all information as deemed necessary by the Zoning Coordinator and City Engineer to provide for the enforcement of this chapter and the zoning code. Specific provisions of this ordinance may be waived by written waiver by the Zoning Coordinator based on the scope and duration of the specific construction project.

1312.04 Grading or Filling. No land in the City may be excavated, graded, or filled in an amount greater than fifty cubic yards without approval from the City Engineer and Zoning Coordinator. The applicant will provide a scalable survey for the proposed alteration, showing the present and proposed elevations or contours, the existing and proposed drainage and any other information requested by the City Engineer. The City Engineer and Zoning Coordinator will consider whether the alteration and any related structures will comply with the applicable provisions of this code, and the effects on drainage and destruction of ground cover and water holding areas.

Any alteration that would increase or decrease the finished grade by up to three feet in an area greater than three hundred square feet as it exists on July 1, 2013 or the date of the building permit application, whichever ground elevation is lower, requires approval from the City Engineer and Zoning Coordinator. Any such land increase or decrease of more than three feet at any point requires a variance.

1312.05 Construction Site Management. The purpose of these requirements is to ensure the preparation and implementation of construction site management in order to limit the impact of construction on the immediate neighborhood.

Subd. 1. General Regulations. All residential and commercial construction sites shall comply with the following:

- (a) Prior to issuance of a building permit, the applicant will be required to provide proof that they have contacted all adjacent property owners within one hundred (100) feet of the applicant's property to make them familiar with the proposed construction and to provide them with contact information for the applicant.
- (b) Applicants shall provide evidence that the proper permits have been issued by the Minnehaha Creek Watershed District or the Riley-Purgatory-Bluff Creek Watershed District, whichever has jurisdiction over the subject property.
- (c) Work at construction sites shall be limited to 7:00 a.m. to 9:30 p.m. Monday through Friday and 8:00 a.m. to 8:00 p.m. on weekends and holidays.
- (d) The applicant shall submit a Construction Site Management Plan as outlined in Subdivision 2 of this Section.
- (e) Onsite parking of construction vehicles and equipment will be provided to the extent feasible. If on-street parking is necessary, it must be done in coordination with the city and subject to the approval of the Police Chief. Submittal information required shall include the proposed parking area, the number of anticipated vehicles, the anticipated duration of the project, the hours of operation, and any additional information necessary for the review of the parking plan.
- (f) All equipment shall be stored within the confines of the construction site. If necessary, a temporary property line fence will be required to ensure that no construction vehicles, materials or other debris encroaches onto adjacent properties.
- (g) A functioning toilet and a minimum of one dumpster are required on the site prior to commencement of any construction activity. These are to be considerably placed in relation to adjacent properties.
- (h) Daily site clean-up of debris and garbage is required.

Minnetonka

15. Grading, Filling and Excavation.

a) Purpose. The purpose of this section is to require preparation and implementation of grading and erosion control plans for land-disturbing activity to:

- 1) prevent sediment deposits on roadways;
- 2) retain sediment on site;
- 3) prevent disruption or damage to water resources and public stormwater systems;
- 4) prevent adverse impacts to neighboring property
- 5) reduce soil compaction and enhance infiltration and the establishment of vegetation;
- 6) prevent damage to natural resources, such as trees, that are intended to be preserved; and
- 7) maintain stable slopes.

b) Grading Permit.

1) Except as provided below, a grading permit is required for the following activities:

a. excavating, grading, filling or other land-disturbing activity on a per project basis that exposes soil in an area or areas encompassing at least 5,000 square feet or results in the movement of at least 50 cubic yards of material;

b. excavating, grading, filling or any other land-disturbing activity that exposes soil in or on any steep slope, wetland, floodplain or shoreland; or

c. excavating, grading, filling or any other land-disturbing activity that de-stabilizes the soil, involves the movement of contaminated soils, involves work in the right-of-way that is approved by the city engineer, or creates the potential of erosion onto property not in common ownership with the location of the activity or creates the potential of erosion into a water resource.

2) A separate grading permit is not required for land disturbing activity that is undertaken in compliance with a grading and erosion control plan approved in conjunction with a building permit if in conformance with subdivisions 16 and 17 of this section.

c) Grading and Erosion Control Plan. A grading and erosion control plan is required to be submitted for city approval as part of an application for any grading permit, preliminary plat, site plan review, lot division, and wetland/floodplain alteration permit, and as part of an application for a building permit that involves any amount of land-disturbing activity.

d) Definition. For purpose of subdivisions 15, 16, 17, and 18, the term "water resource or resources" means any lake, creek, pond, or wetland.

(Subdivision repealed and replaced by Ord. 2011-29, adopted December 19, 2011)

Spring Park

Sec. 42-71. - Topographic alterations/grading and filling.

- (a) Grading, filling and excavations necessary for the construction of structures and driveways under validly issued building permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this subdivision must be incorporated into any permit issued for construction of structures, and driveways.
 - (b) Public roads and parking areas are regulated by subsection 42-67(f).
 - (c) Notwithstanding items (a) and (b) above, a grading and filling permit will be required for:
 - (1) The movement of more than ten cubic yards of material on steep slopes or within shore or bluff impact zones; and
 - (2) The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.
 - (d) The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:
 - (1) Applications for permits for grading and filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland shall be in accordance with the Minnesota Wetlands Conservation Act of 1991; Minnesota Law, chapter 354; Army Corps of Engineers National Wetland Inventory Map; and shall be evaluated by the city engineer to determine how extensively the proposed activity would affect the following functional qualities of the wetland: *
 - a. Sediment and pollutant trapping and retention;
 - b. Storage of surface runoff to prevent or reduce flood damage;
 - c. Fish and wildlife habitat;
 - d. Recreational use;
 - e. Shoreline or bank stabilization; and
 - f. Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.
- * This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as the Minnehaha Creek Watershed District, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers. The applicant will be so advised.
- (2) Alterations shall be designed and conducted in a manner that ensure only that the smallest amount of bare ground practicable is exposed for the shortest time possible.
 - (3) Mulches or similar materials shall be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover shall be established as soon as possible.
 - (4) Methods to minimize soil erosion and to trap sediments before they reach any surfacewater feature shall be used.
 - (5) Altered areas shall be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service.
 - (6) Fill or excavated material shall not be placed in a manner that creates an unstable slope.

Spring Park Cond.

- (7) Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and shall not result in finished slopes of 30 percent or greater.
 - (8) Fill or excavated material shall not be placed in bluff impact zones.
 - (9) Any alterations below the ordinary high-water level of public waters shall be authorized by the commissioners acting under Minn. Stat. § 103G.245.
 - (10) Alterations of topography shall be allowed only if they are accessory to permitted or approved conditional uses and do not adversely affect adjacent or nearby properties.
 - (11) Placement of natural rock rip rap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the rip rap is within ten feet of the ordinary high-water level, and the height of the rip rap above the ordinary high-water level does not exceed three feet.
- (e) *Connections to public waters.* Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, shall be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters.
 - (f) *Steep slopes.* The zoning administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of streets, driveways, structures, or other improvements on steep slopes. When determined necessary, the zoning administrator is authorized to prevent erosion subject to conditions designed to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer leaf-on conditions.
 - (g) *Land reclamation.* Land reclamation shall be allowed in all districts. Any person desiring to deposit 50 cubic yards or more of fill on a lot or parcel shall be required to have a land reclamation permit. Land reclamation shall not be interpreted to include the depositing of fill from a building excavation on the same property.

The application for a reclamation permit shall include a finished grade plan from which it can be determined that the reclamation will not adversely affect adjacent land. As further conditions to issuing the permit, the City may regulate the type of fill permitted, require a program for rodent control, plans for fire control and general maintenance of the site, controls for vehicular ingress and egress, and impose requirements to control the hauling of material to or from the site and to limit the dispersal of material from the site by wind.

(Ord. No. 62, § 3(Subd. K), 9-13-1993)

4. Land Development, Platting and Storm Water Runoff. No lands within the Wetland Protection Area shall be platted for residential occupancy or for other uses which will increase the danger to health, life, property or the public welfare. Whenever a portion of the Wetland Protection Area is located within or adjoins a land area that is being subdivided, the subdivider shall dedicate an adequate easement over the land within the protected area and along each side of such area for the purpose of improving or protecting the area for drainage, or other purposes expressed in this Ordinance and other recreational uses.

Public or private streets, driveways, drainage openings, storm water retention areas and culverts shall not be constructed unless the design thereof has been approved by the City, and such structures shall be designated so as not to restrict the flow of water. All plans that affect all potential wetlands shall be submitted for review to the Department of Natural Resources, Army Corps of Engineers, City Engineer, and the Carver Soil and Water Conservation District during the land subdivision process.

In areas where the alteration of a wetland is allowable, provisions shall be made for acre-for-acre replacement or original wetland losses.

5. Setbacks. A 50 foot structure setback for all buildings and parking areas must be maintained from the edge of a designated wetland within a Wetland Protection Area (the edge being the point at which the vegetation changes from aquatic to terrestrial).

B. Land Alteration and Erosion Control.

1. Land alteration is the process of changing the existing landscape by excavating, filling, or grading. Subject to the exceptions set forth below, no land shall be altered, excavated, filled or graded and no vegetation shall be removed without first obtaining a permit from the City. The following exceptions shall be allowed:
 - a. A fill less than one (1) foot in depth and placed on natural terrain with a slope flatter than five horizontal to one vertical, or less than three feet in depth, not intended to support structures, which does not exceed 50 cubic yards on any one lot and does not obstruct a drainage course, and such other exceptions as are listed in Chapter 70 of the Uniform Building Code.
 - b. Construction of buildings for which a permit has been applied for and issued, provided the contemplated excavation or filling operation was sufficiently described at the time of building permit application.

- c. Excavations or fills by State, County, or City authorities in connection with the construction or maintenance of roads, highways, parks or utilities or on slope or utility easements provided such activity is conducted within public rights-of-way or easements.
 - d. Curb cuts, utility hook-ups or street openings for which another permit is required from the City.
 - e. Grading plans as approved of as part of plat approvals.
2. Requirements. Issuance of a grading permit shall be made subject to the following minimum requirements, and such other requirements as the City Council may specify to protect the public interest:
- a. Setback from Adjacent Property. All operations shall be conducted within the property lines. Grading that extends over the property lines shall require easements from adjacent property owners. Grading within the rights-of-way shall be by City permission.
 - b. It shall be unlawful for any person to dig or leave open unfenced, unbarricaded or uncovered, any pit, quarry, hole or excavation, including basements, wells, septic tanks or cesspools.
 - c. Restoration. Upon completion of excavation or filling operations the disturbed area shall be restored with topsoil or other approved cover material and shall be reseeded to establish approved vegetation.
 - d. Finished Grades. Finished grades shall not adversely affect adjacent properties.
 - e. Drainage. Drainage facilities shall be provided to effectively divert or convey storm water run-off.
 - f. Fire/Rodent/Wind/Hauling Control. Provisions for effectively controlling fire, rodents, and dispersal of material by wind or by hauling to and from the site, and for general maintenance of the site shall be made.
 - g. Permit Period. The excavation or filling permit shall run for six (6) months unless a lesser or greater period is requested and approved by the City Council.

(I) *Remove service connection.* Permittee shall notify the gas and electric service companies and the City Utilities Department to remove their services.

(Prior Code, ' 12.09) Penalty, see ' 10.99

' 150.49 ENFORCEMENT.

(A) *Enforcing officers.* The Building Inspector and the Police Department shall enforce and carry out the requirements of this subchapter.

(B) *Permittee liable for expenses exceeding deposit.* The permittee shall be liable for any expenses, damages, or costs in excess of deposited amounts or securities, and the City Attorney shall prosecute an action against the permittee in a court of competent jurisdiction for the recovery of the excessive amounts.

(C) *Original premises left unsafe.* The city shall proceed to do the work necessary to leave the original premises in a safe and sanitary condition, where permittee does not comply with the requirements of this subchapter, and the cost thereof shall be charged against the general deposit.

(Prior Code, ' 12.10)

EXCAVATION PERMITS

' 150.60 SPECIAL USE PERMIT REQUIRED.

(A) No person shall, without first obtaining a special use permit, grade, fill, or excavate property within the City of Maple Plain which would result in substantial alteration of the existing ground contour of which would change the existing drainage; or which would cause flooding or erosion or which would deprive an adjoining property owner of his or her lateral support; or which would remove or destroy present ground cover. Fill shall not alter the contour of the land or the drainage.

(B) Substantial alteration of the existing ground contour shall be defined as the extraction, grading, or filling of land involving movement of earth and materials in excess of 25 cubic yards or to a height of 2 or more feet.

(C) For substantial alterations, a grading plan, or an erosion and sedimentation control plan consistent with the methods and best management practices described in the Minnesota Pollution Control Agency's Best Management Practices Handbook must be submitted to the Planning Commission for review and approval by the city prior to the issuance of a building or special use permit.

(D) A special use permit for grading, filling, or excavating shall be limited to a period of 6 months after issuance, with the possibility for an extension of up to 3 months.

General Provisions

(E) All fill shall be Aclean fill@ as defined in the Uniform Building Code and ' ' 150.10 *et seq.*

(F) No persons shall divert surface water or sump pump discharge from his or her property in such a manner as to cause it to flow onto adjacent property.

(G) Construction or work within the city that is performed in conjunction with the issuance of a valid building permit shall conform to the requirements of construction as outlined in ' ' 150.10 *et seq.*

(H) Any person having been found to be in violation of the above provisions shall be required to perform whatever work is necessary to remedy the violation under the direction of the appropriate city staff person.

(I) All costs, including any administration or professional costs required by the city, relating to any of the above provisions, shall be borne by the applicant or the person found to be in violation.
(Prior Code, ' 13.01) (Ord. 206, passed 2-13-2006) Penalty, see ' 10.99

' 150.61 CORRECTION OF DRAINAGE.

In residential areas where drainage problems exist, a majority of the affected property owners may petition the City Council for corrective action. Upon receipt of the petition, the City Engineer shall make a survey and prepare a plan and cost estimate and submit it to the Council. If the Council determines that the plan is feasible and necessary, it shall order the project completed and the entire cost, including engineering and administrative costs and the entire cost, including engineering and administrative costs assessed against the benefitted property in accordance with Minnesota state statutes and the codes and the regulations of the City of Maple Plain.

(Prior Code, ' 13.02)

' 150.62 CODE REQUIREMENTS.

All new residential construction shall conform to the requirements outlined in this subchapter and shall conform to the requirements of ' ' 150.10 *et seq.*

(Prior Code, ' 13.03)



Agenda Number: **11A-E**

Agenda Item: Council Reports

Summary: This is an opportunity for each council member to present updates and get input regarding various council assignments and projects.

Related documents are included in the hard copy of the full council packet and in the electronic version of the packet available at www.greenwoodmn.com.

Council Action: None required.

Site Statistics

Use this reporting tool to see your site statistics for your public site for this month or the previous month. Statistics for the Administration (or "admin") side of your site are not included in this report. Additionally, visits you make to your own site while administering it are not included in these statistics. All data collected before the previous month has been purged from our system and is not available for use; therefore, we recommend printing this report each month for your records.

The first report - Page Views by Section - shows total page views for each section. The second report - Unique Visitors by Section - shows the total page views for each section without the return visitors (showing only views from unique IP addresses). For example, if you browse to a page today, and then browse to that same page tomorrow, your viewing of that page would only be counted once in the unique (second) report.

Each report lists sections in page view order (highest number of page views first) and only lists sections that have had traffic within the reporting period. It does not list those sections without traffic.

Begin Date	6/16/2018
End Date	7/15/2018
Report Name	Page Views (Default)
<input type="button" value="Get Report"/>	

Page Views by Section

Section	Page Views	Percent of Total
Default Home Page	6780	64.5%
Agendas, Minutes, Meeting Packets	487	4.63%
Welcome to Greenwood	315	3%
City Departments	300	2.85%
Code Book of Ordinances	155	1.47%
Planning Commission	154	1.47%
Forms, Permits, Licenses	147	1.4%
Assessments & Taxes	116	1.1%
RFPs & Bids	114	1.08%
Mayor & City Council	111	1.06%
Budget & Finances	109	1.04%
Public Safety Alerts	89	0.85%
Lake Minnetonka	86	0.82%
July 4th	86	0.82%
Spring Clean-Up Day	78	0.74%
Parks, Trails & Watercraft Amenities	69	0.66%
Photo Gallery	68	0.65%
Garbage & Recycling	68	0.65%
Comp Plan	58	0.55%
Elections, Voting	55	0.52%
Community Surveys	53	0.5%
St. Alban's Bay Lake Improvement District	53	0.5%
Links	52	0.49%
Watercraft Spaces	52	0.49%
	50	0.48%

Quick Tips

The reports offered in your Site Statistics tool only track activity on the public side of your site.

In each report, a section named "Default" and a section named "Home" may appear.

A page view gets attributed to "Default" when a visitor to your site types your URL into his or her Web browser. In most cases, the "Default" section is your Home Page.

A page view gets attributed to "Home" each time a visitor clicks the "Home" button on your Web site.

In the Page View (Default) report, only sections with Web traffic are reported and they are listed in page view order.

In the Page View by Section report, sections are listed in the order they appear in the navigation menu and are reported regardless of their traffic level.

In the Referrers report, it is important to remember that your own site acts like a referrer. So, don't be surprised if you see your own Web address(es) listed -- this tracks the number of times people went from one part of your site to another.

Coyotes & Animal Services		
Email Sign-Up	47	0.45%
Tree Contractors	47	0.45%
Old Log Events	46	0.44%
Agendas, Minutes, Meetings	44	0.42%
Meetings	44	0.42%
Search Results	44	0.42%
Toilet Drain Guide	38	0.36%
Fire Department	38	0.36%
Sewer, Stormwater, Water, Garbage, Recycling	37	0.35%
City Newsletters	37	0.35%
News, Events	37	0.35%
Emergency Preparedness	36	0.34%
Finances, Taxes, Assessments	33	0.31%
Smoke Testing	32	0.3%
Recreation, Amenities	30	0.29%
Road Closures & Detours	30	0.29%
Well Water	30	0.29%
Tour de Tonka	28	0.27%
SABLID Email Sign-Up	26	0.25%
Library Events	26	0.25%
Habitat 500 Bike Ride	25	0.24%
Meetings on TV	25	0.24%
Luck O' the Lake	24	0.23%
Unsubscribe	1	0.01%
---	1	0.01%
TOTAL	10511	100%

Unique IPs by Section

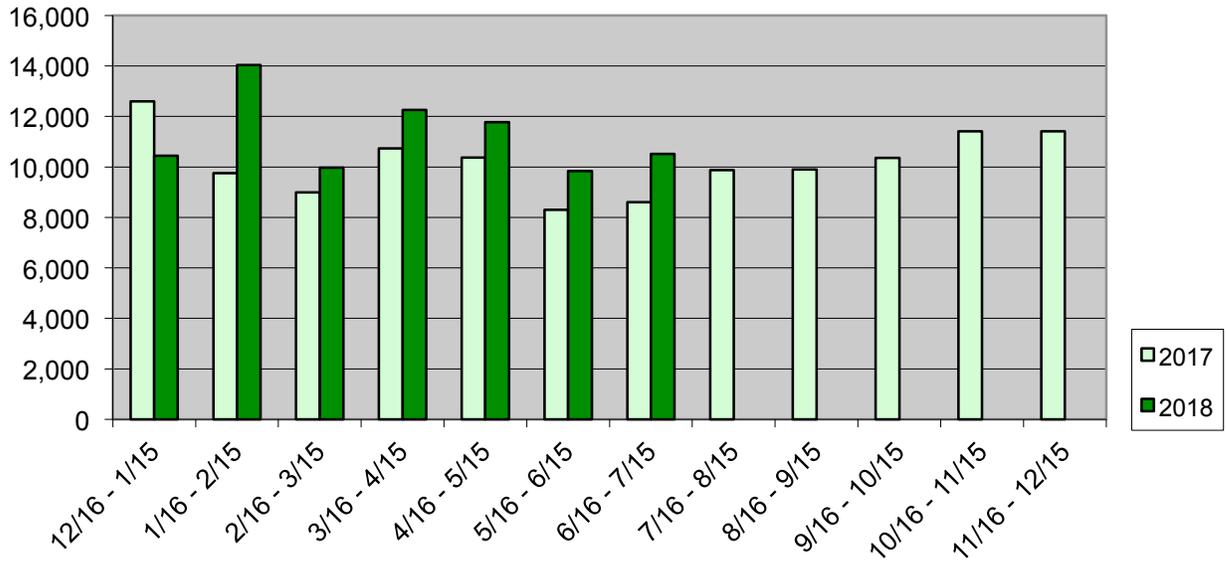
Section	Unique IPs	Percent of Total IPs
Default Home Page	1652	40.76%
City Departments	231	5.7%
Welcome to Greenwood	180	4.44%
Agendas, Minutes, Meeting Packets	156	3.85%
Forms, Permits, Licenses	97	2.39%
Code Book of Ordinances	87	2.15%
Mayor & City Council	85	2.1%
July 4th	70	1.73%
Lake Minnetonka	66	1.63%
Planning Commission	66	1.63%
Public Safety Alerts	64	1.58%
Parks, Trails & Watercraft Amenities	55	1.36%
Photo Gallery	55	1.36%
Spring Clean-Up Day	51	1.26%
Garbage & Recycling	48	1.18%
Comp Plan	47	1.16%
St. Alban's Bay Lake Improvement District	47	1.16%
Assessments & Taxes	46	1.13%
Elections, Voting	45	1.11%
Coyotes & Animal Services	44	1.09%
Links	44	1.09%
Tree Contractors	41	1.01%
Watercraft Spaces	41	1.01%
Community Surveys	38	0.94%
Budget & Finances	38	0.94%
Agendas, Minutes, Meetings	36	0.89%
Meetings	35	0.86%
Old Log Events	35	0.86%
City Newsletters	33	0.81%

News, Events	32	0.79%
Email Sign-Up	32	0.79%
Emergency Preparedness	31	0.76%
Fire Department	31	0.76%
Toilet Drain Guide	30	0.74%
RFPs & Bids	30	0.74%
Sewer, Stormwater, Water, Garbage, Recycling	29	0.72%
Finances, Taxes, Assessments	29	0.72%
Recreation, Amenities	28	0.69%
Smoke Testing	27	0.67%
Tour de Tonka	26	0.64%
Road Closures & Detours	26	0.64%
Habitat 500 Bike Ride	25	0.62%
Search Results	25	0.62%
Well Water	25	0.62%
Meetings on TV	24	0.59%
Library Events	23	0.57%
Luck O' the Lake	23	0.57%
SABLID Email Sign-Up	22	0.54%
---	1	0.02%
Unsubscribe	1	0.02%
TOTAL	4053	100%

Generate Download File (.csv) for the current report:

Done

City of Greenwood
Website Total Hits



Month	2017	2018	Variance with Prior Month	Variance with Prior Year	Bulk Email List
12/16 - 1/15	12,599	10,441	-965	-2,158	173
1/16 - 2/15	9,758	14,039	3,598	4,281	173
2/16 - 3/15	8,996	9,974	-4,065	978	174
3/16 - 4/15	10,728	12,252	2,278	1,524	173
4/16 - 5/15	10,366	11,773	-479	1,407	173
5/16 - 6/15	8,301	9,836	-1,937	1,535	173
6/16 - 7/15	8,604	10,511	675	1,907	
7/16 - 8/15	9,873		-10,511	-9,873	
8/16 - 9/15	9,901		0	-9,901	
9/16 - 10/15	10,357		0	-10,357	
10/16 - 11/15	11,404		0	-11,404	
11/16 - 12/15	11,406		0	-11,406	
AVERAGE	10,191	11,261			

POPULATION: 703
EMAIL ADDRESSES % OF POPULATION: 24.61%

Population source: www.metrocouncil.org, Data & Maps, Download Data, Population and Household Estimates
 Population figure updated: 03-17-18



Agenda Number: **FYI**

Agenda Item: FYI Items in Council Packet

Summary: The attached items are included in the council packet for the council's information (FYI) only. FYI items typically include planning commission minutes and other items of interest to the council. When the agenda is approved at the beginning of the meeting, any council member may request to move an FYI item to the regular agenda for further discussion. Moved items will be placed under Other Business on the agenda.

Council Action: No council action is needed for FYI items.

**GREENWOOD PLANNING COMMISSION
WEDNESDAY, JUNE 13, 2018
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 Jennifer Gallagher, and David Steingas

Others Present: Council Liaison Kristi Conrad (arrived at 7:15), Councilmember Bill Cook, and Zoning Administrator Dale Cooney

Absent: Commissioner Dean Barta

2. MINUTES –May 9, 2018 & June 13, 2018

Motion by Steingas to approve the minutes as written. Motion was seconded by Gallagher. Motion carried 3-0.

3. PUBLIC HEARINGS

Lucking said that, if there is no objection, he would like to reorder the agenda in order to allow time for Council Liaison Conrad to arrive for quorum purposes. The planning commission had no objection to the reorganizing of the agenda.

3b. Consider variance requests of David and Kimberly Barry, property owners, to encroach into the lake yard setback and convert landscape-related impervious to structural-related impervious in order to expand an enclosed porch at 21550 Excelsior Boulevard.

Lucking introduced the agenda item and opened the public hearing.

Mike Sharratt, architect for the applicants, stated that the proposal is very similar to what was approved last year and that the changes to the screened porch were to make it slightly bigger and more functional. He said that the proposal goes over an existing deck area. He said that the proposal is .1% less hardcover that what was approved previously. Sharratt said that the proposal did increase the volume of the house by increasing the roof pitch, but that it is still approximately 12,000 cubic feet below building volume requirements. He said that the proposal faces the non-navigable Christmas Lake drainage channel and that the previous variance approved a 36.7 foot setback and the request is for a 32.2 feet. Sharratt said that the existing house burned down, and they would like to replace that house, but make it a tiny bit better. He said that the inside of the porch is 9.5 feet which is not big enough for furniture.

Steingas said that this is similar to a corner lot situation and the applicants are meeting three of the 4 required setbacks.

Lucking said that he has no issue with the request, but the code does not allow nonconforming hardcover properties to exchange landscape-related impervious for structural-related impervious.

Cooney said that the city found a way around that requirement when the issue came up for this property last year to join the house to the garage. He said that expansion was built over pavers, and that a significant amount of landscaping plastic was removed as a condition.

Steingas said that perhaps the best way to do this is not an exchange, but to show the hardcover on the property increasing by the proposed footprint of the porch expansion. He said that, in this way, nothing is being exchanged.

**GREENWOOD PLANNING COMMISSION
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Motion by Steingas to approve the request as proposed with the condition that the survey be modified to show a .3% increase in impervious area for the property. Motion was seconded by Lucking. Motion carried 3-0.

3a. Consider variance request of Julie and Gregg Getchell encroach into the east and front setbacks in order to build an upper level addition to their nonconforming house at 5185 Greenwood Circle

Lucking introduced the agenda item and opened the public hearing. Steingas recused himself for this agenda item and Council Liaison Conrad served as a voting alternate in order to achieve quorum.

Lucking said that this was a very inconspicuous house addition.

Julie Getchell said that the proposed addition was for an additional upstairs bedroom on the upper level and that it is within the existing flat roof area of the property.

Lucking asked if Councilmember Cook wished to make any comments. Cook said that he did not and that he was here to support his neighbors.

Lucking said that the improvements are under the massing requirements and within the existing nonconforming footprint and that the city is usually tries to grant variances for these types of requests.

Conrad asked about the massing. Cooney said that the 2012 resolution references a cubic footage limitation of 5 times the lot size, but that the ordinance today allows for massing of 6 times the lot size. Cooney said that was how the proposal could be bigger than previously approved, but still under the massing limitation.

Motion by Gallagher to approve the request as proposed. Motion was seconded by Conrad. Motion carried 3-0.

4. OLD BUSINESS

4a. Review grading ordinances from peer cities and discuss parameters for possible revised grading ordinance.

Lucking introduced the agenda item. He said that there seems to be a theme among the reviewed jurisdictions of a review at 50 cubic yards.

Steingas said that one dump truck holds 10 cubic yards and that the 50 cubic yard standard is very reasonable and very normal.

Steingas asked about Deephaven's ordinance. Cooney said that city administrative/engineering review is triggered at 50 cubic yards, but a variance is required for a grade alteration of more than 3 feet at any point.

Steingas said that he would prefer an ordinance comparable to the Deephaven ordinance.

Conrad said that she liked the limitation of the grade change at any one point rather than an average over a larger area.

Steingas said that his Linwood Circle project would have been able to comply with an average grade calculation similar to Wayzata's ordinance.

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Cooney said that the issue he has with the current ordinance is that the issues related to house height and drainage are often impacted by the height of the grade change which the current ordinance doesn't address. He said that the current regulations would catch someone spreading 6 inches of topsoil over an area, which is not the intent of the regulation.

Conrad asked if it could be better administered with a height limitation. Cooney said that it was a helpful limitation, whereas total soil volume depends on the area of the project.

Cooney said that he does understand that the city might have some concerns about staff-level only reviews since it is inevitable that councilmembers will get calls regarding projects that have not come before the city.

Steingas said that one other restriction that he sees from other cities is height based on existing grade. Conrad said that she liked that. Lucking said that Greenwood addresses the issue by doing an average perimeter grade calculation.

Cooney said that with a maximum grade elevation change, the applicant can usually lessen the grade alteration to avoid the city process, but if they are committed to a certain grade change, such as prioritizing a walkout, then they can come through the city. He said that this helps separate the nice-to-have features from the must-have features.

Steingas said that his preference would be to use Deephaven as a template with the 50 cubic yards, staff/engineering review, and the three foot limitation.

Steingas asked if Deephaven had a limitation on the fill brought onto a site, since that is more concerning to him. Cooney said it was only the 50 cubic yards limitation. Lucking said that, for a small lot, the three foot limitation would be reached well before the 50 cubic yards limitation.

Cooney asked if the planning commission wanted to see a draft ordinance, or if they would prefer to submit these suggestions to the city council. Lucking said he would recommend a memo to the council.

5. LIAISON REPORT

Conrad presented the liaison report.

Conrad said that the city council looked at the residential lot rezoning. She said that in the current iteration, the zoning districts would be renamed to R-1 and R-2. She said that there was a definition for an average lot width to address pie shaped lots. Conrad said that the council agreed to the 20% of the lot width for side yard setbacks, but that the reduced setbacks would only apply for 70 linear feet of building length along the setback. Steingas said that would not be too challenging to stay within.

Conrad said that the hardcover would be at a sliding scale. Conrad said that she doubted any of the smaller properties actually were under the 30% impervious and that she would look into that.

Steingas said that he still preferred the 30% limitation, that it would give the city oversight for those properties that go over. He said that he had a hard time giving a small lot property an advantage for hardcover. Conrad said that the city council's objective was to make the ordinance more fair for smaller lots since the 30% limitation is more difficult for those lots.

6. ADJOURN

Motion by Conrad to adjourn the meeting. Gallagher seconded the motion. Motion carried 3-0. The meeting was adjourned at 8:20 p.m.

Respectively Submitted,
Dale Cooney - Zoning Administrator