

**GREENWOOD PLANNING COMMISSION
WEDNESDAY, SEPTEMBER 12, 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 Dean Barta, and Jennifer Gallagher

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

Absent: David Steingas

2. MINUTES –August 8, 2018

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

3. PUBLIC HEARINGS

3a. Consider request of Marcia and Jeffrey Fetters, property owners, for a variance from stormwater mitigation requirements for the property at 21200 Minnetonka Boulevard.

Lucking introduced the agenda item and opened the public hearing.

Rob Bohnenkamp of 4925 Woods Court said that he lives directly behind the property at the bottom of the hill. He said that the new structure is a great improvement. He said that stormwater is a big issue in this area. Bohnenkamp said that is reasonable to assume that the stormwater will run down into Woods Court, and that he believes that the applicants need to demonstrate it meets the ordinance requirements. Bohnenkamp said that he is sympathetic to the low hardcover, but that stormwater is a problem and can only be managed going forward. He said that it would be a dangerous precedent to approve a variance or changing the ordinance without knowing the full impact that the changes would have.

Judy Greg of 21280 Minnetonka Boulevard said that she is opposed to the request. She said that it is a beautiful house, but that runoff is a problem. She said that Britta Larson has spent time and money to remedy stormwater problems. She said that she has personally been impacted by runoff onto her property. She said that she would like to see the city remain proactive in dealing with water runoff going forward. She said that recent weather trends have more rainfall per hour and the city should maintain strict standards to manage the issue.

John Rauth of 4910 Woods Court said that the fetters have built a nice structure. He said that water flows downhill and the water would come down onto Woods Court and that standing water has caused problems. He said it would be a bad precedent grant a variance to build what you want and ask for forgiveness later.

Chuck Elliot of 4965 Sleepy Hollow Road said that he is not directly impacted by the development but that he is shocked about the water that comes down the street. He said that he has an 8 inch culvert on his property but that in heavy rains there is a river running through the property. He said that the street is somewhat dangerous during a storm and that the City of Greenwood should look into this and perhaps the city would consider a stormsewer system. Elliot said for those reasons he would not support a variance.

Justin Mangold, landscape contractor for the applicants, said that he installed the draitile system. He said that that the property significantly slows down the water. He said that they have attempted to follow the city ordinance, but that the drainage area originally created did not collect

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water. He said that the stormwater outlet shows no signs of washout and that there is infiltration within the draitile. He said the property is doing more now to mitigate that what was there before. He said that he believes that the water is being mitigated on site, but that it has just not been calculated.

Conrad asked what water was going into the pipe. Mangold said that the driveway and the front gutters go to the catch basin. Conrad said that the neighbors are worried about what is coming off the back of the house.

Cooney said that the ordinance does not require mitigation of any particular part of the property, just a specific quantity. Conrad asked why the quantity could not be calculated. Mangold said that the ordinance is asking for volume, but that the improvements are not easily calculated.

Cooney said that the runoff rate requires more sophisticated calculations and that maybe it is a cost issue. He said that is why most properties choose to do volume control.

Barta asked if the variance isn't granted, what happens. Mangold said they would have to provide the mitigation. Mangold said that the draitile has been directed towards the back. Barta asked why a raingarden couldn't be put elsewhere on this big piece of property. Mangold said it could work, but it is not needed. Barta said that Mangold's contention is that the issue has been addressed. Mangold said that overall the site is better than when they started.

Conrad said that there is no way to prove that.

Gallagher asked if stormwater is a problem now that the property is completed. She said that the Woods Court residents spoke about past issues, but she asked if there have been any runoff impacts from this property since it was completed.

Mangold said that there have been a couple of larger rains and that if you look at the outlet area there is no washout. He said that indicates to him that no raingarden is needed.

Marcia Fetters, property owner, said that the property is 11% hardcover.

Bohnenkamp said that they are not trying to address problems of the past, but that they do not want to have more problems in the future and that he does not want to take "just trust us as an answer" but wants to see proof. He said that not enough time has passed to know the impacts.

Reuth said that there is no data to support the claims of the applicant.

Barta asked if a raingarden elsewhere on the property would work. Mangold said that they could meet the requirements of the ordinance but that doing that would not have a significant impact based on what they are seeing on the property.

Marcia Fetters, applicant, said that they didn't want a big hole in their front yard. She said that the .92 acres and most of that area is wooded. She said that they put mulch down and sodded and graded to handle the issue. She said that the water will percolate away. Fetters said that they put in a raingarden on their property on Meadville Street and that makes sense, but that it doesn't make sense here.

Mangold said that there is a swale that would protect the Larson property from the changes from this property.

Lucking closed the public hearing.

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Lucking said that he would hope that the planning commission would never recommend a variance for this ordinance. He said that we don't know the answer to how much water there is and where it is going.

Conrad asked if the upcoming ordinance change would impact the stormwater requirements. Cooney said that the quantities are the same, the language is just being restated to add clarity for the city engineer.

Conrad said that the city has stormwater issues. She said that the property might do what they claim, but there is not documentation to prove that. Conrad said that there might be an opportunity to collect water on the property in a way that the Fetters would be happier with.

Lucking said that if they provided data proving they met the intent of the ordinance, they would not have to do anything more.

Barta asked if the neighbors could get together to get a collective answer to the problem. Lucking said that is not really the question in front of the Planning Commission.

Cooney said that he felt part of the Fetters argument was the low hardcover on their property which he thought was actually challenging the thresholds in the ordinance. He asked if the Planning Commission thought that those thresholds were reasonable.

Lucking said that the ordinance is not old enough to have been challenged much and that the planning commission needs to administer the law as written. He said that the council could direct the planning commission to look at the ordinance if they wanted.

Barta made a motion to recommend denial of the variance request based upon the recommendation and findings of staff. Motion was seconded by Gallagher. Motion carried 3-0.

3b. Public hearing for ordinance revising Section 1140.17 regarding stormwater management

Motion by Gallagher to recommend approval of the ordinance as written. Motion was seconded by Barta. Motion carried 3-0.

3c. Public hearing for ordinance to revise Section 1140.19 regarding grading regulation & restrictions

Motion by Barta to recommend approval of the ordinance as written. Motion was seconded by Gallagher. Motion carried 3-0.

4. LIAISON REPORT

Conrad presented the liaison report.

She said that they reviewed the grading ordinance but want to make sure there is not height manipulation.

Conrad said that the trail in Greenwood park is to be named for the McQuinn family.

She said that the new recycling service has been a problem so far.

Conrad said that the completed road reconstruction has brought the city streets in Greenwood up to grade B or better.

She said that the city is considering changing the material for the trail in the park and looking at different options.

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Gallagher asked about Airbnb fines. Cooney said that the fine is \$300. Gallagher said that she did not think that the fine was adequate punishment based on the rents they can collect and that the fine should be bigger.

Conrad said that she wondered how many Greenwood residents knew the tree removal limitations. Gallagher said that could be in the newsletter. Cooney noted that there are no tree replacement requirements without a variance or a violation.

Barta asked about the 21385 Minnetonka Boulevard variance application. Conrad said that they withdrew their application.

5. ADJOURN

Motion by Lucking to adjourn the meeting. Barta seconded the motion. Motion carried 3-0. The meeting was adjourned at 8:37 p.m.

Respectively Submitted,
Dale Cooney - Zoning Administrator