

# AGENDA

## Greenwood City Council Meeting

Wednesday, October 3, 2018  
20225 Cottagewood Road, Deephaven, MN 55331



*Hearing devices are available from the recording technician.*

*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: 09-05-18 City Council Worksession Minutes
  - B. Approve: 09-05-18 City Council Meeting Minutes
  - C. Approve: Aug Cash Summary Report
  - D. Approve: Aug Certificates of Deposit Report
  - E. Approve: Sep Verifieds, Check Register, Electronic Fund Transfers
  - F. Approve: Sep Payroll Register
  - G. Approve: 2019 Liquor License
- 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. City Engineer Dave Martini: 2018 Projects, 2040 Comp Plan Surface Water Management Plan
  - B. Announcement: League of Women Voters' Candidate Meet & Greet, 10-16-18, 5-8pm, Southshore Community Center, 5735 Country Club Rd, Shorewood, MN 55331
- 7:20pm 5. PUBLIC HEARINGS
- A. Public Hearing: Delinquent Sewer, Stormwater, and Recycling Charges
- 7:25pm 6. ACTION RELATED TO PUBLIC HEARINGS
- A. Consider: Res 25-18, Delinquent Accounts
- 7:30pm 7. PLANNING, ZONING & SUBDIVISION ITEMS
- A. Consider: Res 26-18, Variance Findings of Fact, Marcia & Jeffrey Fetters, 21200 Minnetonka Blvd
  - B. 2nd Reading: Ord 279, Updating Chapter 11 Residential Zoning Regulations  
Res 19-18, Summary of Ord 279 for Publication
  - C. 1st Reading: Ord 281, Amending Section 1140.17, Stormwater Management
  - D. 1st Reading: Ord 282, Amending Section 1140.19, Grading
- 8:00pm 8. UNFINISHED BUSINESS
- A. None
- 8:00pm 9. NEW BUSINESS
- A. 1st Reading: Ord 284, Amending Section 510, Fees
- 8:05pm 10. OTHER BUSINESS
- A. None
- 8:05pm 11. COUNCIL REPORTS
- A. Conrad: Planning Commission
  - B. Cook: LMCD, SABLID, Public Works Committee
  - C. Fletcher: LMCC, Fire, Administrative Committee, League of Minnesota Cities Committee
  - D. Kind: Police, Administrative Committee, Mayors' Meetings, Website
  - E. Quam: Minnetonka Community Education, Public Works Committee
- 8:20pm 12. ADJOURNMENT



**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 Worksession

Wednesday, September 5, 2018

20225 Cottagewood Road, Deephaven, MN 55331

### 1. CALL TO ORDER | ROLL CALL | APPROVE AGENDA

Mayor Kind called the worksession to order at 6pm.

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

Members Absent: Bob Quam

Staff Members Present: None

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

### 2. DISCUSSION: 2019 Budget & Fees

The council discussed the proposed 2019 budget and made no changes to the draft. The council reviewed the draft of the fee ordinance and decided that the following changes should be made prior to considering the 1st reading: (1) include the Garbage Hauler fee change from \$200 to \$100, and (2) add language stating, "If the council finds that an error was made, all costs shall be returned to the applicant" for appeals regarding alleged errors in administration of zoning ordinance. The preliminary 2019 budget and levy will be approved during the regular meeting on 09-05-18. The 1st reading of the fee ordinance will be considered at the 10-03-18 council meeting.

### 3. DISCUSSION: Ord 279, Updating Chapter 11 Residential Zoning Regulations

The council discussed the latest draft of the ordinance and decided that the following changes should be made prior to considering the 1st reading: (1) section 1120.00 subd 2, change "impact on neighboring properties" to "impact the neighborhood character," (2) section 1120.10, change 50 ft to 45 ft, (3) section 1176.04, subd. 10, change 50 ft to 45 ft. The 1st reading will be considered during the regular meeting on 09-05-18.

### 4. ADJOURNMENT

**Motion by Cook to adjourn the meeting at 6:56pm. Second by Conrad. Motion passed 5-0.**

# MINUTES

## Greenwood City Council Meeting

Wednesday, September 5, 2018  
20225 Cottagewood Road, Deephaven, MN 55331



### 1. CALL TO ORDER | ROLL CALL | APPROVE AGENDA

Mayor Kind called the meeting to order at 7:05pm.

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: 08-01-18 City Council Worksession Minutes
- B. Approve: 08-01-18 City Council Meeting Minutes
- C. Approve: July Cash Summary Report
- D. Approve: July Certificates of Deposit Report
- E. Approve: August Verifields, Check Register, Electronic Fund Transfers
- F. Approve: September Payroll Register
- G. Approve: 2019 Lake Minnetonka Communications Commission Budget

**Consent agenda motion by Kind that the Greenwood city council approves the 2019 Lake Minnetonka Communications Commission budget as presented and directs the city clerk to forward a copy of this motion to the LMCC operations manager for LMCC records. Second by Cook. Motion passed 4-0.**

- H. ~~Approve: Ord 283, Repealing Section 925, Predatory Offenders~~ – discussed under item 10A on agenda

**Motion by Kind to approve the consent agenda items A-G. Second by Cook. Motion passed 4-0.**

### 3. MATTERS FROM THE FLOOR

- A. Dana Nelson, 5025 Meadville Street, encouraged the council to (1) clean out the park pond while it is dry, (2) implement an ongoing park maintenance plan, (3) make sure curb on Fairview Street will be replaced with road construction.

**Council and staff responses: (1) the pond will be cleaned out, (2) public works has a punch list of maintenance items that will be completed each year, (3) the curb will be replaced.**

### 4. PRESENTATIONS, REPORTS, GUESTS, AND ANNOUNCEMENTS

- A. Presentation: Res 22-18, Dedicating McQuinn Trail at Greenwood Park

**Motion by Cook that the city council approves resolution 22-18 dedicating McQuinn Trail at Greenwood Park as written. Second by Fletcher. Motion passed 4-0.**

*View the presentation at LMCC-TV.org.*

- B. Tim Litfin, Executive Director Minnetonka Community Education: MCE Update

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

- C. City Engineer Dave Martini: Road Projects, Inflow & Infiltration Projects, Greenwood Park Trail Options, Comp Plan Surface Water Management Plan, Other Engineering Topics

ROAD PROJECTS:

**Motion by Cook that the city council authorizes the city engineer to secure bids for a mill and overlay project on Minnetonka Blvd between the bridge and Meadville Street for consideration at a special meeting date to be determined. Second by Conrad. Motion passed 4-0.**

GREENWOOD PARK TRAIL OPTIONS:

Dana Nelson, 5025 Meadville Street, asked whether the cheapest option would be stable enough for bikes, etc.

**City engineer response: Yes.**

Al McQuinn, 5025 Covington Street, offered to make a donation to the city to cover the cost for the asphalt option.

**The city engineer expressed concern regarding the viability of an asphalt trail with the proximity of tree roots and unstable soil conditions in addition to the amount of trees that would need to be removed to make room for a 5 ft wide asphalt trail.**

**The consensus of the council was for Councilman Cook to meet with the city engineer and Greenwood Park neighbors and make a recommendation regarding the Greenwood Park trail at the 10-03-18 city council meeting.**

COMP PLAN SURFACE WATER MANAGEMENT PLAN:

**The consensus of the council was for the city engineer, Mayor Kind, and Councilman Cook to implement changes to the Surface Water Management Plan component of the 2040 Comp Plan draft per the comments from the watershed and Met Council.**

D. Announcement: Truth in Taxation Budget Comment Opportunity, 7pm Wednesday 12-05-18

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

E. Announcement: St. Alban's Bay Lake Improvement District Annual Meeting, 09-25-18, 7pm, Deephaven Council Chambers, 20225 Cottagewood Road

**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. Consider: Res 24-18, Findings for Final Plat Application, Weeks Lake Minnetonka Addition

Kyle Hunt, 10321 Heidi Lane, Chaska, presented a letter and photos with an update regarding the progress of the preliminary plat conditions.

**Motion by Fletcher that the city council adopts resolution 24-18 laying out the findings of fact APPROVING the final plat application / subdivision request for the properties at 5135, 5125, and 5115 Weeks Road for the plat named "Weeks Lake Minnetonka Addition," 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. Second by Cook. Motion passed 4-0.**

B. 1st Reading: Ord 279, Updating Chapter 11 Residential Zoning Regulations  
Res 19-18, Summary of Ord 279 for Publication

**Motion by Cook that 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 during the worksession; and (2) directs the ordinance be placed on the 10-03-18 council agenda for a 2nd reading. Second by Kind. Motion passed 4-0.**

C. Discuss: Draft of Ord 281, Amending Section 1140.17, Stormwater Management

**Motion by Conrad that the city council directs the planning commission to hold a public hearing at their 09-12-18 meeting and make a recommendation regarding the 09-05-18 draft of ordinance 281 regarding stormwater management. Second by Cook. Motion passed 4-0.**

D. Discuss: Draft of Ord 282, Amending Section 1140.19, Grading

Bob Sevey, 4926 Meadville Street, stated that he would like the council to make sure that the ordinance does not allow property owners to build up their property to dump water onto neighboring properties.

**Motion by Fletcher that the city council directs the planning commission to hold a public hearing at their 09-12-18 meeting and make a recommendation regarding the 09-05-18 draft of ordinance 282 regarding grading. Second by Cook. Motion passed 4-0.**

8. UNFINISHED BUSINESS

A. None

9. NEW BUSINESS

A. Consider: Res 23-18, 2019 Preliminary Tax Levy & Budget

**Motion by Cook that the council approves resolution 23-18 approving \$637,825 as the preliminary tax levy for taxes collectible in 2019. Second by Fletcher. Motion passed 4-0.**

10. OTHER BUSINESS

A. 2H – Approve: Ord 283, Repealing Section 925, Predatory Offenders

**Motion by Fletcher that city council (1) approves the 1st reading of ordinance 283 repealing city code section 925 Predatory Offenders in its entirety; (2) waives the 2nd reading; (3) directs staff to submit the ordinance for publication in the city’s official newspaper; and (4) authorizes the administrative committee to discuss a potential replacement ordinance with attorney and Chief Meehan. Second by Conrad. Motion passed 4-0.**

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

**Motion by Fletcher to authorize \$400 for additional costs related to the new pickleball courts. Second by Cook. Motion passed 4-0.**

*View discussion at LMCC-TV.org.*

C. Fletcher: Lake Minnetonka Communications Commission, Fire, Administrative Committee, League of Minnesota Cities Committee

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

D. Kind: Police, Administrative Committee, Mayors’ Meetings, Website

**Motion by Cook to authorize the installation of a McQuinn Trail sign at the park. Second by Kind. Motion passed 4-0.**

**The consensus of the council was for (1) the upcoming newsletter to include an article regarding ponds being a good way to filter water before being discharged to Lake Minnetonka, (2) Councilwoman Conrad to research the location of no-parking signs near the Old Log section of Meadville Street, (3) Mayor Kind to research League of Minnesota Cities’ membership.**

*View discussion at LMCC-TV.org.*

E. Quam: Minnetonka Community Education, Public Works Committee

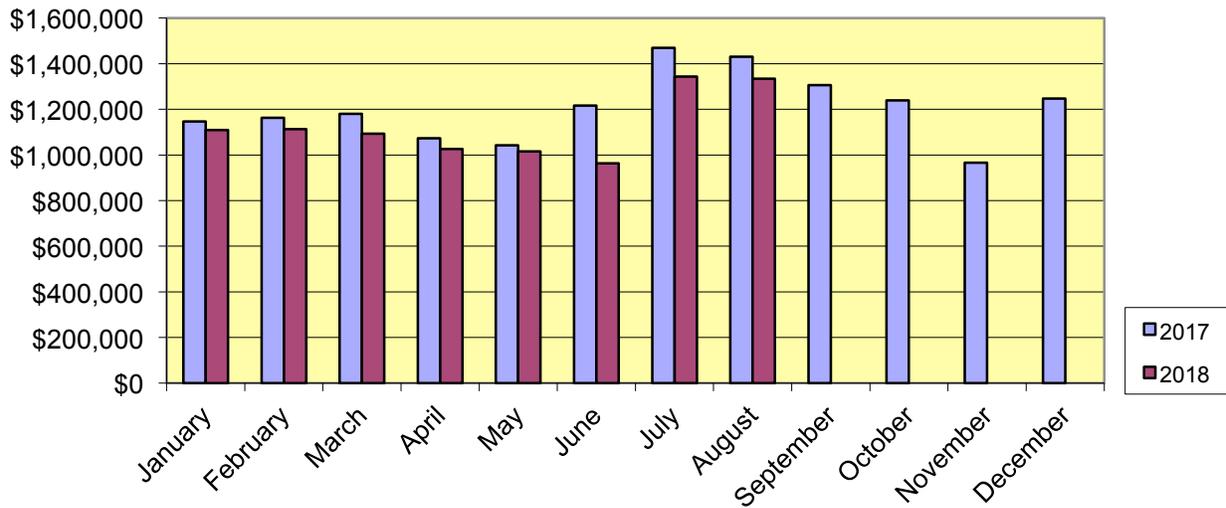
**No report since Councilman Quam was not at the meeting.**

12. ADJOURNMENT

**Motion by Kind to adjourn the meeting at 9:40pm. 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](http://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	\$1,343,594	\$379,762	-\$125,998
August	\$1,430,595	\$1,334,231	-\$9,363	-\$96,364
September	\$1,306,495	\$1,306,495	-\$1,334,231	-\$1,306,495
October	\$1,238,961	\$1,238,961	\$0	-\$1,238,961
November	\$965,784	\$965,784	\$0	-\$965,784
December	\$1,247,263	\$1,247,263	\$0	-\$1,247,263

Alerus Bank Checking	\$6,353
Bridgewater Bank Checking	\$13,155
Alerus Bank Money Market	\$96
Bridgewater Bank Money Market	\$531,229
Bridgewater Bank CD's	\$783,398
	<b>\$1,334,231</b>

**ALLOCATION BY FUND**

General Fund	\$515,709
Special Project Fund	\$28,046
General Fund Designated for Parks	\$14,786
Bridge Capital Project Fund	\$171,304
Road Improvement Fund	\$105,045
Stormwater Fund	\$24,426
Sewer Enterprise Fund	\$372,858
Marina Enterprise Fund	\$102,107
	<b>\$1,334,231</b>

Check Issue Date(s): 09/01/2018 - 09/30/2018

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
09/18	09/05/2018	11103	808	ADVANTAGE SIGNS & GRAPHICS INC	101-20100	58.45
09/18	09/05/2018	11104	51	BOLTON & MENK, INC.	101-20100	2,592.00
09/18	09/05/2018	11105	894	BRYAN ROCK PRODUCTS INC	401-20100	205.95
09/18	09/05/2018	11106	9	CITY OF DEEPHAVEN	101-20100	9,716.46
09/18	09/05/2018	11107	872	DALE COONEY	101-20100	133.45
09/18	09/05/2018	11108	889	DIVE GUYS	605-20100	3,600.00
09/18	09/05/2018	11109	895	DOUGLAS & PAMELA PLOCEK	001-20100	84.36
09/18	09/05/2018	11110	822	ECM PUBLISHERS INC	101-20100	285.60
09/18	09/05/2018	11111	68	GOPHER STATE ONE CALL	602-20100	70.20
09/18	09/05/2018	11112	3	KELLY LAW OFFICES	101-20100	1,237.50
09/18	09/05/2018	11113	886	KENNETH N. POTTS, P.A.	101-20100	400.00
09/18	09/05/2018	11114	255	LMC INSURANCE TRUST	101-20100	4,697.00
09/18	09/05/2018	11115	896	PIPE SERVICES CORPORATION	602-20100	945.00
09/18	09/05/2018	11116	867	RANDY'S ENVIRONMENTAL SERVICES	101-20100	1,628.25
09/18	09/05/2018	11117	893	REPUBLIC SERVICES #894	101-20100	43.58
09/18	09/05/2018	11118	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	15,933.41
09/18	09/05/2018	11119	145	XCEL ENERGY	602-20100	656.30
Totals:						<u>42,287.51</u>

Dated: \_\_\_\_\_

Mayor: \_\_\_\_\_

City Council: \_\_\_\_\_

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City Recorder: \_\_\_\_\_

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
<b>ADVANTAGE SIGNS &amp; GRAPHICS INC</b>					
808	ADVANTAGE SIGNS & GRAPHIC	00035673	SIGNS	08/27/2018	58.45
Total ADVANTAGE SIGNS & GRAPHICS INC					58.45
<b>BOLTON &amp; MENK, INC.</b>					
51	BOLTON & MENK, INC.	0220904	2018 DEVELOPMENT REVIEW	07/31/2018	366.00
		0220905	2018 MISC ENGINEERING	07/31/2018	474.00
		0220906	2018 SEWER IMPROVEMENTS	07/31/2018	1,120.00
		0220907	2018 STREET IMPROVEMENTS	07/31/2018	632.00
Total BOLTON & MENK, INC.					2,592.00
<b>BRYAN ROCK PRODUCTS INC</b>					
894	BRYAN ROCK PRODUCTS INC	30146	CL-2 RIP RAP	08/15/2018	205.95
Total BRYAN ROCK PRODUCTS INC					205.95
<b>CITY OF DEEPHAVEN</b>					
9	CITY OF DEEPHAVEN	SEPT 2018	RENT & EQUIPMENT	09/01/2018	487.45
			Postage		49.41
			COPIES		19.70
			SEWER		1,217.70
			STREETS		1,080.20
			WEED/TREE/MOWING		2,062.20
			PARK MAINTENANCE		785.60
			ELECTIONS		196.40
			Clerk Services		3,817.80
Total CITY OF DEEPHAVEN					9,716.46
<b>DALE COONEY</b>					
872	DALE COONEY	08 14 18	PRIMARY ELECTION REIMBURSEMT	08/14/2018	133.45
Total DALE COONEY					133.45
<b>DIVE GUYS</b>					
889	DIVE GUYS	04289	AQUATIC WEED REMOVAL	09/03/2018	3,600.00
Total DIVE GUYS					3,600.00
<b>DOUGLAS &amp; PAMELA PLOCEK</b>					
895	DOUGLAS & PAMELA PLOCEK	08 01 18	UB PMT REFUND	08/01/2018	84.36
Total DOUGLAS & PAMELA PLOCEK					84.36
<b>ECM PUBLISHERS INC</b>					
822	ECM PUBLISHERS INC	621052	ELECTION LOCATION	08/02/2018	142.80
		628072	LEGAL NOTICE	08/30/2018	47.60
		628073	LEGAL NOTICE	08/30/2018	47.60
		628074	LEGAL NOTICE	08/30/2018	47.60
Total ECM PUBLISHERS INC					285.60
<b>FINLEY BROS. INC</b>					
620	FINLEY BROS. INC	18-0077710	PORTABLE PICKLEBALL NET SYSTEM	08/26/2018	700.00

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
	Total FINLEY BROS. INC				700.00
<b>GOPHER STATE ONE CALL</b>					
68	GOPHER STATE ONE CALL	8080417	Gopher State calls	08/31/2018	70.20
	Total GOPHER STATE ONE CALL				70.20
<b>KELLY LAW OFFICES</b>					
3	KELLY LAW OFFICES	X639	GENERAL LEGAL	08/29/2018	1,237.50
	Total KELLY LAW OFFICES				1,237.50
<b>KENNETH N. POTTS, P.A.</b>					
886	KENNETH N. POTTS, P.A.	08 31 18	PROSECUTION SVCS	08/31/2018	400.00
	Total KENNETH N. POTTS, P.A.				400.00
<b>LEAGUE OF MINNESOTA CITIES</b>					
891	LEAGUE OF MINNESOTA CITIES	SEPT 2018	ANNUAL MEMBERSHIP DUES	09/01/2018	30.00
	Total LEAGUE OF MINNESOTA CITIES				30.00
<b>LEAGUE OF MN CITIES</b>					
26	LEAGUE OF MN CITIES	275603	Membership Dues 2018-2019	09/01/2018	895.00
	Total LEAGUE OF MN CITIES				895.00
<b>LMC INSURANCE TRUST</b>					
255	LMC INSURANCE TRUST	08 28 18	Municipality Insurance	08/28/2018	4,697.00
	Total LMC INSURANCE TRUST				4,697.00
<b>PIPE SERVICES CORPORATION</b>					
896	PIPE SERVICES CORPORATION	2007954	CLEAN SANITARY SWR & LIFT STN	08/17/2018	735.00
		2007955	CLEAN SANITARY SWR	08/17/2018	210.00
	Total PIPE SERVICES CORPORATION				945.00
<b>RANDY'S ENVIRONMENTAL SERVICES</b>					
867	RANDY'S ENVIRONMENTAL SEF	AUG 2018	RECYCLING SERVICES	08/17/2018	1,628.25
	Total RANDY'S ENVIRONMENTAL SERVICES				1,628.25
<b>REPUBLIC SERVICES #894</b>					
893	REPUBLIC SERVICES #894	0894-004693408	RECYCLING SVCS	08/15/2018	43.58
	Total REPUBLIC SERVICES #894				43.58
<b>SO LAKE MINNETONKA POLICE DEPT</b>					
38	SO LAKE MINNETONKA POLICE	SEPT 2018	OPERATING BUDGET	09/01/2018	15,933.41
	Total SO LAKE MINNETONKA POLICE DEPT				15,933.41
<b>XCEL ENERGY</b>					
145	XCEL ENERGY	07 30 18	Sleepy Hollow Road *	07/30/2018	8.33
			Street Lights *		396.64
			LIFT STATION #1		40.41
			LIFT STATION #2		52.52

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
			LIFT STATION #3		26.49
			LIFT STATION #4		37.34
			LIFT STATION #6		74.09
		08 27 18	Sleepy Hollow Road *	08/27/2018	8.34
			4925 MEADVILLE STREET *		8.32
			SIREN		3.82
					<u>656.30</u>
	Total XCEL ENERGY				<u>656.30</u>

Total Paid: 42,287.51  
Total Unpaid: 1,625.00  
Grand Total: 43,912.51

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Description	GL Account	Amount
10/01/18	PC	10/01/18	10011801	CONRAD, KRISTI	39		001-10100	279.54
10/01/18	PC	10/01/18	10011802	COOK, WILLIAM B.	37		001-10100	279.54
10/01/18	PC	10/01/18	10011803	Fletcher, Thomas M	33		001-10100	179.54
10/01/18	PC	10/01/18	10011804	Kind, Debra J.	34		001-10100	419.32
10/01/18	PC	10/01/18	10011805	Quam, Robert	32		001-10100	279.54
Grand Totals:								<u>1,437.48</u>

## GREENWOOD CERTIFICATES OF DEPOSIT

Report Date: 8/31/18

Acct #	Bank	Date	Term	Maturity	Rate	Amount
x237	Bridgewater Bank	05/08/18	6 Month	11/08/18	1.24%	\$ 130,406.31
x238	Bridgewater Bank	05/08/18	10 Month	03/08/19	1.49%	\$ 130,488.23
x239	Bridgewater Bank	05/08/18	12 Month	05/08/19	1.74%	\$ 130,570.15
x240	Bridgewater Bank	05/08/18	16 Month	09/08/19	1.74%	\$ 130,570.15
x241	Bridgewater Bank	05/08/18	18 Month	11/08/19	2.08%	\$ 130,681.56
x242	Bridgewater Bank	05/08/18	22 Month	03/08/20	2.08%	\$ 130,681.56
<b>TOTAL</b>						<b>\$ 783,397.96</b>

*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.*



**Agenda Number: 2G**

**Agenda Date: 10-03-18**

*Prepared by Dana Young*

**Agenda Item:** 2019 Liquor License

**Summary:** Mayette Enterprises, LLC is requesting approval from the Greenwood City Council for the renewal of their 2019 Liquor License. This would include both their On Sale and Sunday Liquor License. Mayette Enterprises has submitted all required applications and fees to the City Clerk. Once approval has been granted by the Greenwood City Council, their application is submitted to the Minnesota Department of Public Safety for their review and approval.

**Council Action:** Required. Consent agenda motion ...

I move the council approves the 2019 On Sale and Sunday Liquor License for Mayette Enterprises, LLC.



**Agenda Number: 4A**

**Agenda Date: 10-03-18**

*Prepared by Deb Kind*

**Agenda Item:** City Engineer Dave Martini: 2018 Projects, 2040 Comp Plan Surface Water Management Plan

**Summary:** At the October council meeting the council and city engineer will discuss 2018 projects, including bids for a mill and overlay project on Minnetonka Boulevard between the bridge and Meadville Street. In addition the council and city engineer will discuss the status of revisions to the 2040 Comp Plan Surface Water Management Plan.

For the city council's reference, below are fund balances as of 08-31-18. These funds may be used for any city purpose.

**\$105,045** *Road Improvement Fund* – Payments for road projects completed this past summer still need to be paid from this fund.

**\$372,858** *Sewer Enterprise Fund* (interfund transfer OUT code 602-43200-720).

The city council also may use the below budgeted contingency funds for any city purpose.

**\$12,000** *2018 Contingency Budget* (General Fund code 101-49000-439)

In addition, below is the General Fund Reserve balance as of 12-31-17. Reserve funds may be used for any city purpose.

**\$599,432** *General Fund Reserves* (interfund transfer OUT code 101-43200-500) – This number is approximately 78% of operating expenditures. Goal is 35-50%.

**Council Action:** No action required. Potential motions ...

1. I move the city council authorizes \$ \_\_\_\_\_ from the \_\_\_\_\_ fund, to be spent on the following project(s): \_\_\_\_\_.
2. I move the city council authorizes a transfer of \$ \_\_\_\_\_ from the \_\_\_\_\_ fund to the \_\_\_\_\_ fund, to be spent on the following project(s): \_\_\_\_\_.
3. Do nothing or other motion ???



Agenda Number: **5A&6A**

Agenda Date: 10-03-18

*Prepared by Deb Kind*

**Agenda Item:** Public Hearing & Res 25-18, Delinquent Sewer, Stormwater, and Recycling Charges

**Summary:** A list of delinquent accounts and charges is attached. Letters were sent to affected property owners and notices regarding the public hearing were published in the Sun-Sailor. The public hearing will be held at the October city council meeting.

**Council Action:**

5A – Council action is needed to open and close the public hearing. Suggested motions for the public hearing:

1. I move the council **opens** the public hearing regarding delinquent sewer, stormwater, and recycling charges.
2. I move the council **closes** the public hearing regarding delinquent sewer, stormwater, and recycling charges.

6A – The council also is required to take action to certify assessments to the county to be collected with property taxes. A copy of a proposed resolution is attached. Suggested motions ...

1. I move the council approves resolution 25-18 and the assessment roll for delinquent sewer, stormwater, and recycling charges.
2. I move the council approves resolution 25-18 and the assessment roll for delinquent sewer, stormwater, and recycling charges with the following revision(s): \_\_\_\_\_.
3. Other motion ???

## **CITY OF GREENWOOD**

### **NOTICE OF PUBLIC HEARING ON THE ASSESSMENT OF DELINQUENT SEWER, STORM WATER, AND RECYCLING CHARGES**

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Greenwood will hold a public hearing at City Hall, 20225 Cottagewood Road, Deephaven, Minnesota on Wednesday, October 3, 2018 at 7:00 p.m. or as soon thereafter as practical to hear, consider and pass upon proposed assessments with respect to delinquent sewer, storm water, and recycling charges. The assessment roll is available for public inspection in the office of the City Clerk, Monday through Friday, between 8:00 a.m. and 4:30 p.m.

Any assessment not paid by November 21, 2018 will be certified on the 2019 tax rolls and shall be payable in the same year as the taxes contained therein. Certified assessments of sewer, storm water, and recycling charges are subject to a 12.0% interest rate per annum. Amounts owed are presently due and payable and can draw interest from December 1, 2018 as determined by the City Council.

All interested persons will be given the opportunity to be heard and written and oral objections will be accepted regarding any assessment for delinquent sewer, storm water, and recycling charges.

Dana H. Young  
City Clerk

Published in the Sun Sailor on September 13, 2018 and September 20, 2018.

2018 GREENWOOD TAX CERTIFICATION

9/26/2018 3:40 PM

GREENWOOD 2018 TAX CERTIFICATION							
PROPERTY OWNER	Utility Account #	PID #	House Number	Street Name	Forwarding Address:	Total Due	Paid?
Althausser, Andrew	44205.04	26-117-23-42-0054	5200	Greenwood Cir	4508 Shady Beach Cir, Independence, MN. 55359-8400	\$103.00	
Brost, M L & S R Brost	41602.04	26-117-23-31-0018	5110	Curve St		\$426.48	
Compton, Tony & Anjali Kreslins	48208.04	35-117-23-11-0017	5410	Manor Rd	Gold Shield Financial Corp/ Kreslins, 21965 Minnetonka Blvd., Excelsior, MN. 55331	\$316.18	
Equity Bank	44007.04	26-117-23-42-0053	5085	Greenwood Cir	5900 Green Oak Dr., Suite #100, Minnetonka, MN. 55343	\$0.00	paid \$83.21 9-18-18, Rcpt.# 10749
Greenwood Market / Akshay S. Patel	52602.04	35-117-23-12-0017	21380	State Highway #7		\$1,085.91	
Johnson, Peter	41206.04	26-117-23-31-0035	5100	Covington St.	Peter Johnson, Meadoville Park, LLC., 249 Mill St., Excelsior, MN. 55331	\$426.48	
Peterson, Steven & Patricia	49315.04	26-117-23-34-0049	21957	Minnetonka Blvd, Unit #15		\$89.12	
Quackenboss, Michael E	42006.04	35-117-23-11-0038	21030	Excelsior Blvd		\$426.48	
Sagal, Jeffrey R.	42201.04	35-117-23-12-0036	21420	Excelsior Blvd		\$106.09	
Sullwold, Gregory M.	42003.04	35-117-23-11-0018	20880	Excelsior Blvd		\$106.09	
						\$3,085.83	



**City of Greenwood  
Resolution 25-18**

**A RESOLUTION APPROVING THE ASSESSMENT ROLL  
FOR DELINQUENT SEWER, STORMWATER, AND RECYCLING ACCOUNTS**

**WHEREAS**, the city council of the city of Greenwood has caused a notice to be published fixing the time and place of the council meeting to pass upon the proposed assessment roll for delinquent sewer, stormwater, and recycling charges, more specifically described in the "Notice of Public Hearing" published September 13, 2018 and September 20, 2018 in the Sun-Sailor publication; and

**WHEREAS**, notice of said meeting has been given to all property owners whose property is to be assessed therefore, by publication thereof in the manner required by law; and

**WHEREAS**, all persons have had an opportunity to be heard in connection with said manner.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA:**

1. That the assessment roll, as prepared by the city clerk, is hereby approved, and the assessments therein contained are hereby determined to be the special assessments for the services herein included.
2. That said assessments are found to be properly assessed upon the properties so served.
3. That each of such unpaid assessments shall bear interest at the rate of 12% per annum accruing on the full amount from December 1, 2018.
4. Prior to certification of the assessment to the county auditor, the owner of any lot, piece or parcel of land assessed hereby may at any time pay the whole of such assessment inclusive of the penalties, to the city treasurer, prior to 4:30pm on November 16, 2018.
5. That the city utility clerk is hereby directed to certify such assessment to the county auditor for collection and remittance to the city treasurer in the same manner as assessments for local improvements.

**ADOPTED** 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



Agenda Number: **7A**

Agenda Date: **10-03-18**

Prepared by Dale Cooney

**Agenda Item:** Consider: Res 26-18, Findings for Variance Request, Marcia and Jeffrey Fetters, 21200 Minnetonka 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 08-30-18. The planning commission held a public hearing at their 09-12-18, 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 Barta to recommend denial of the request as proposed based on the recommendation and findings of staff. Motion was seconded by Gallagher. Motion carried 3-0.

**Key Dates:**

Application complete:	<del>August 20, 2018</del>
Notice of Public Hearing published:	<del>August 30, 2018</del>
Planning Commission Public Hearing:	<del>September 12, 2018</del>
City Council Consideration:	October 3, 2018
60-Day Deadline:	October 19, 2018
120-Day Deadline:	December 18, 2018

**Council Action:** The city council must take action by 10-19-18 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 26-18 laying out the findings of fact **DENYING** the variance request of Marcia and Jeffrey Fetters for a variance from the stormwater management requirements of Section 1140.17 at 21200 Minnetonka 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 APPROVAL** for the variance request of Marcia and Jeffrey Fetters for a variance from the stormwater management requirements of Section 1140.17 at 21200 Minnetonka Boulevard, as proposed. 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 Marcia and Jeffrey Fetters, 21200 Minnetonka 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 statue 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 request of Marcia and Jeffrey Fetters, property owners, for a variance from stormwater mitigation requirements for the property at 21200 Minnetonka Boulevard.

**Summary:** Marcia and Jeffrey Fetters, property owners at 21200 Minnetonka Boulevard, are requesting a variance from the stormwater mitigation requirements for the property. Section 1140.17 of the city ordinance requires stormwater mitigation for any project which results in increased impervious surface coverage of 200 square feet or more over existing conditions. The applicants recently completed construction of a new house on the property. The hardcover on the property expanded from 2,026 square feet to 4,346 square feet for an expansion in impervious surface area of 2,320 square feet.

The original property at 21200 Minnetonka was 40,741 square feet in size and the applicants purchased the adjacent property (along the undeveloped public right-of-way known as Crestwood Lane) to expand the property size to 48,273 square feet. The impervious surface percentage for the combined properties prior to the new construction would have been 4.2%. The existing hardcover percentage for the property is 9%.

Performance criteria for stormwater mitigation include the option of providing volume control to handle a 2 inch rain event for the expanded impervious surface area. Stormwater mitigation would need to accommodate a volume equivalent to 387 cubic feet. The applicants had originally proposed a raingarden in the front yard to accommodate 452 cubic feet of volume. (See attached proposal.) The additional runoff from the impervious areas on the property would drain primarily towards the Woods Court cul-de-sac.

**Other Items:**

Tree Removal: The City of Greenwood did not request the removal of trees in the side yard. The city requested a side yard swale. The applicant's contractor located the swale and determined the trees would need to be removed. At this planning stage, the applicant could have slightly moved the house to accommodate the trees and the swale, but those changes were not pursued.

**Discussion:**

The stormwater management requirements of Section 1140.17 were added in April of 2016 to help manage the ever-increasing impervious areas within the city. Part of the justification for the changes was that runoff from recent development projects had negatively impacted adjacent neighbors, even as those projects were within the impervious surface limitations for the property.

Staff is sympathetic to the Fetters' contention that the property has a low percentage of impervious surface coverage relative to the permitted impervious surface areas on the property. The overall footprint of the house and driveway is small relative to what could be built on the property and the Fetters have been good stewards to the property by maintaining the natural tree canopy and wooded nature of the lot. However, as a variance request, staff does not feel that the request would meet the "practical difficulty" standard. It is the contention of staff that the Fetters request is targeted more towards challenging the reasonableness of the existing ordinance requirements than the unique circumstances of their property.

There are three scenarios that could grant relief to the Fetters from the stormwater management requirements:

- 1) The variance is granted. (Possible unique circumstances might include uniquely low impervious surface percentage not considered in the original purpose and intent of the ordinance.)
- 2) The ordinance is amended to set a different threshold for mitigation (due to the rules in place at the time of building permit, a variance would also need to be granted in this case).
- 3) The Fetters are able to demonstrate that the project, as constructed, manages the rate of runoff for the equivalent of at least a 2-inch per hour rainfall event for the impervious surface expansion so that the rate does not increase as a result of the project. This would satisfy the performance criteria of Section 1140.17, Subd. 3 (b).

As proposed, staff does not find that the practical difficulty standard has been met. If the city is sympathetic to the Fetters request, staff would recommend revising the ordinance to create a different threshold for projects on lots with low impervious surface coverage.

**Staff Recommendation:**

Staff recommends denial of the request of Marcia and Jeffrey Fetters for a variance from the stormwater management requirements of Section 1140.17 at 21200 Minnetonka Boulevard, as presented.

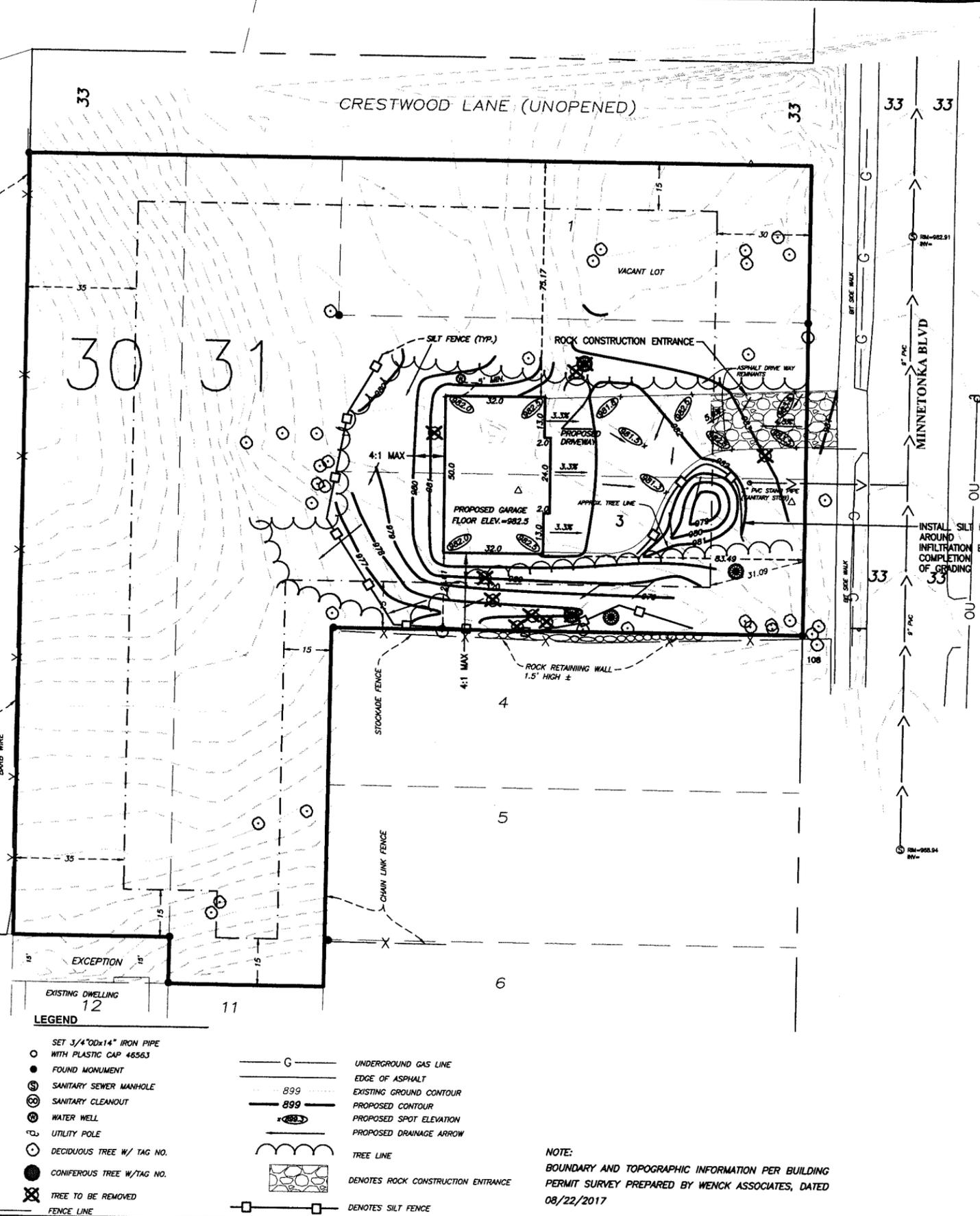
Staff findings, based on the practical difficulty standards found in city code section 1155.10:

- 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 protect and safeguard the health, safety, and welfare of the public by regulating stormwater runoff rates and volumes that can lead to flooding, flood damage, and erosion. Granting the variance would lead to increased runoff volumes from the expanded impervious areas on the property which is not in harmony with the ordinance.
- b) The variance, if granted, will **NOT** be consistent with the comprehensive plan which states that the city will protect natural drainage ways and water courses from accelerated storm water run-off or constriction in conjunction with the development, redevelopment or expansion of housing.
- 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: the proposed hardcover expansion is relatively small compared to what could be built per zoning code requirements and the overall stormwater volume increase is equally modest based on the overall size of the property.
- d) The plight of the landowner-applicant is **NOT** due to circumstances unique to the property and not created by the landowner because: there is adequate space on the property to accommodate the required runoff volumes via a mitigation system. The applicants make the claim that the location of the outlet in the rear yard would disperse stormwater runoff "harmlessly over a large portion of our woods", however to meet the ordinance requirements the applicants would need to demonstrate that the rate of runoff for the equivalent of at least a 2-inch per hour rainfall event for the proposed impervious surface expansion so that the rate does not increase as a result of the project. That information has not been provided. Also, the ordinance does not make exceptions for low impervious surface area properties, and the Fetters request is based on circumstances created by the new construction expansion of impervious areas on their 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. While the water volumes off of the property will be more than existing, it is not expected to be of an amount that would change the essential character of the locality.
- 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.



Post Date & Time

GREENWOOD ON THE LAKE



CALL 48 HOURS BEFORE DIGGING:  
 GOPHER STATE ONE CALL  
 TWIN CITY AREA 651-454-0002  
 MN. TOLL FREE 1-800-252-1166

**GENERAL NOTES**

- CONSTRUCTION SHALL COMPLY WITH ALL APPLICABLE GOVERNING CODES.
- THE CONTRACTOR SHALL TAKE ALL PRECAUTIONS NECESSARY TO AVOID PROPERTY DAMAGE TO ADJACENT PROPERTIES DURING THE CONSTRUCTION PHASES OF THIS PROJECT. THE CONTRACTOR WILL BE HELD SOLELY RESPONSIBLE FOR ANY DAMAGES TO THE ADJACENT PROPERTIES OCCURRING DURING THE CONSTRUCTION PHASES OF THIS PROJECT.
- THE CONTRACTOR MUST CONTACT ALL APPROPRIATE UTILITY COMPANIES AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF EXISTING UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS. THE LOCATIONS OF SMALL UTILITIES SHALL BE OBTAINED BY THE CONTRACTOR BY CALLING GOPHER STATE ONE CALL (1-800-252-1166).
- ALL SOIL TESTING SHALL BE COMPLETED BY THE OWNER'S SOILS ENGINEER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING ALL REQUIRED SOIL TESTES AND INSPECTIONS WITH THE SOILS ENGINEER.
- THE EXISTING TOPSOIL ON THIS SITE VARIES IN DEPTH. IT IS THE CONTRACTOR'S RESPONSIBILITY THAT ALL SURFACE VEGETATION AND ANY TOPSOIL OR OTHER LOOSE, SOFT OR OTHERWISE UNSUITABLE MATERIAL BE REMOVED FROM THE DRIVEWAY AND BUILDING PAD AREAS PRIOR TO PLACEMENT OF ANY EMBANKMENT MATERIAL.
- EXCAVATION FOR THE PURPOSE OF REMOVING UNSTABLE OR UNSUITABLE SOILS SHALL BE COMPLETED AS REQUIRED BY THE SOILS ENGINEER.
- TOLERANCES:
  - THE DRIVEWAY SUBGRADE FINISHED SURFACE ELEVATION SHALL NOT VARY BY MORE THAN 0.05 FOOT ABOVE OR 0.10 FOOT BELOW, THE PRESCRIBED ELEVATION OF ANY POINT WHERE MEASUREMENT IS MADE.
  - AREAS WHICH ARE TO RECEIVE TOPSOIL SHALL BE GRADED TO WITHIN 0.30 FOOT ABOVE OR BELOW THE REQUIRED ELEVATION, UNLESS DIRECTED BY THE ENGINEER.
  - TOPSOIL SHALL BE GRADED TO PLUS OR MINUS 1/4 INCH OF THE SPECIFIED THICKNESS.
- ALL DISTURBED UNSURFACED AREAS ARE TO IMMEDIATELY RECEIVE SIX INCHES OF TOPSOIL, SEED AND MULCH AND BE WATERED UNTIL A HEALTHY STAND OF GRASS IS OBTAINED.
- SPOT ELEVATIONS SHOWN INDICATE FINISHED GRADE ELEVATION UNLESS OTHERWISE NOTED.
- PROPOSED CONTOURS ARE TO FINISHED SURFACE GRADE. PLAN GRADE IS TO FINISHED GARAGE FLOOR ELEVATION.
- CONTRACTOR SHALL ADJUST AND/OR CUT EXISTING PAVEMENT AS NECESSARY TO ASSURE A SMOOTH FIT AND CONTINUOUS GRADE ALONG MATCHING PAVEMENT AREAS AND/OR CURBS.
- THE CONTRACTOR SHALL ASSURE POSITIVE DRAINAGE AWAY FROM THE BUILDINGS FOR ALL NATURAL AND PAVED AREAS.
- WORK WITHIN THE PUBLIC RIGHT-OF-WAY MUST BE COORDINATED WITH THE CITY. CONTRACTOR SHALL PROVIDE A MINIMUM OF 48 HOUR NOTICE PRIOR TO WORK.
- CONTRACTOR SHALL EXERCISE CARE DURING CONSTRUCTION TO NOT BLOCK TRAFFIC ON MINNETONKA BLVD. CLEAR DRIVE LANES MUST BE MAINTAINED AT ALL TIMES.

**INFILTRATION BASIN GRADING**

- THE UPPER 18" IN THE FILTRATION BASIN SHALL CONSIST OF A WELL BLENDED, HOMOGENOUS MIXTURE OF 70% SAND AND 30% MN/DOT GRADE 2 COMPOST.
- THE CONTRACTOR SHALL AVOID COMPACTING THE BASIN BOTTOM. RUBBER Tired EQUIPMENT SHALL BE PROHIBITED WHEN WORKING IN THE BASIN AREA.
- THE BOTTOM AND SIDE SLOPES SHALL BE STABILIZED WITH THE SPECIFIED PLANT MATERIALS WITHIN 7 DAYS OF COMPLETING THE GRADING.
- BASIN SHALL BE GRADED 12" - 18" ABOVE FINAL GRADE UNTIL SITE GRADING IS SUBSTANTIALLY COMPLETE.
- AS PART OF FINISH GRADING, NATIVE SUBSOILS IN THE BASIN SHALL BE DE-COMPACTED TO A DEPTH OF 12" - 18".

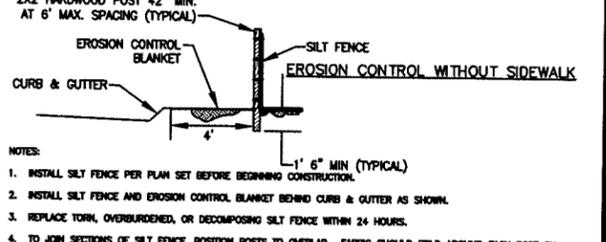
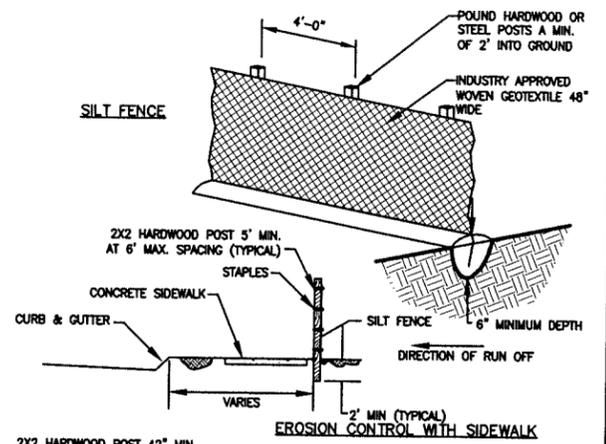
**CAUTION NOTES:**

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE.

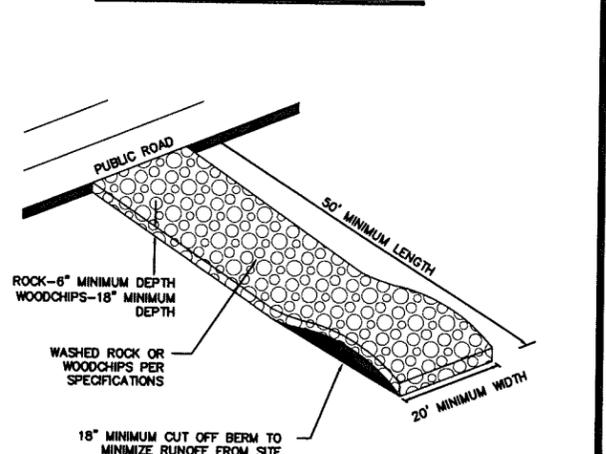
THE CONTRACTOR MUST CONTACT ALL THE APPROPRIATE UTILITY COMPANIES AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS. THE LOCATIONS OF SMALL UTILITIES SHALL BE OBTAINED BY THE CONTRACTOR BY CALLING GOPHER STATE ONE CALL AT 800-252-1166 OR 651-454-0002.

**EROSION/SILTATION CONTROL**

- ALL EROSION CONTROL AND SILTATION CONTROL WILL COMPLY WITH MINNESOTA'S BEST MANAGEMENT PRACTICES MANUAL AND REGULATIONS OF THE CITY.
- THE CONTRACTOR SHALL PERFORM ANY CORRECTIVE MEASURES ORDERED BY THE CITY OR THE WATERSHED DISTRICT WITHIN 24 HOURS OF NOTIFICATION. ALSO, ADDITIONAL EROSION CONTROL MEASURES DEEMED NECESSARY BY EITHER THE CITY OR THE WATERSHED DISTRICT SHALL BE INSTALLED WITHIN 24 HOURS OF NOTIFICATION.
- THE CONTRACTOR SHALL ASSUME COMPLETE RESPONSIBILITY FOR CONTROLLING ALL SILTATION INCLUDING BUT NOT LIMITED TO ROCK ENTRANCES AND/OR SILT FENCES. CONTROL SHALL COMMENCE WITH GRADING AND CONTINUE THROUGHOUT THE PROJECT UNTIL ACCEPTANCE OF THE WORK BY THE OWNER. THE CONTRACTOR'S RESPONSIBILITY INCLUDES ALL DESIGN AND IMPLEMENTATION AS REQUIRED TO PREVENT EROSION AND THE DEPOSITING OF SILT. THE OWNER MAY, AT HIS/HER OPTION DIRECT THE CONTRACTOR IN HIS/HER METHODS AS DEEMED FIT TO PROTECT PROPERTY AND IMPROVEMENTS.
- ANY DEPOSITING OF SILT IN SWALES SHALL BE REMOVED AFTER EACH RAIN AND AFFECTED AREAS CLEANED TO THE SATISFACTION OF THE OWNER, ALL AT THE EXPENSE OF THE CONTRACTOR. THE SILT FENCES SHALL BE REMOVED AND THE SILT REMOVED FROM THE PONDING AREAS BY THE CONTRACTOR AFTER THE TURF IS ESTABLISHED.
- ALL DISTURBED AREAS, EXCEPT BUILDING AREAS AND DRIVEWAY, SHALL BE RESTORED WITH A MINIMUM 6 INCHES TOPSOIL, SEEDED AND MULCHED (TYPE I) WITHIN 72 HOURS OF COMPLETION OF SITE GRADING. SEEDING SHALL BE IN ACCORDANCE WITH MNDOT SPECIFICATION, SEED MIX 25-151 @ 120 LBS/ACRE (OR APPROVED EQUAL). DORMANT SEEDING AREAS SHALL BE SEEDED AND MULCHED IN ACCORDANCE WITH MNDOT SPECIFICATIONS. STRAW MULCHING QUANTITY SHALL BE TWO TONS PER ACRE, FERTILIZER (10-10-20) SHALL BE APPLIED AT A RATE OF 200 POUNDS PER ACRE (CAN BE OMITTED IN LANDSCAPED AREAS IF LANDSCAPED SEEDING IS DONE CONCURRENTLY).
- STOCKPILE AREAS WHICH REMAIN ON THE SITE FOR MORE THAN SEVEN DAYS SHALL BE SEEDED, MULCHED, AND SURROUNDED BY SILT FENCE.
- ALL EROSION AND SEDIMENT CONTROL PRACTICES MUST REMAIN IN PLACE UNTIL IT IS DETERMINED THAT THE SITE SOILS HAVE BEEN PERMANENTLY STABILIZED AND SHALL BE REMOVED WITHIN 30 DAYS THEREAFTER.
- ALL STOCKPILES OF SOIL OR OTHER MATERIALS SUBJECT TO EROSION BY WIND OR WATER SHALL BE COVERED, VEGETATED, ENCLOSED, FENCED ON THE DOWN GRADIENT SIDE OR OTHERWISE EFFECTIVELY PROTECTED FROM EROSION IN ACCORDANCE WITH THE AMOUNT OF TIME THE MATERIAL WILL BE ON SITE AND THE MANNER OF ITS PROPOSED USE.
- EROSION CONTROL MEASURES SHALL BE INSTALLED BY THE CONTRACTOR AND INSPECTED BY THE CITY PRIOR TO BEGINNING WORK. CONTRACTOR SHALL PROVIDE A MINIMUM OF 48 HOUR NOTICE.



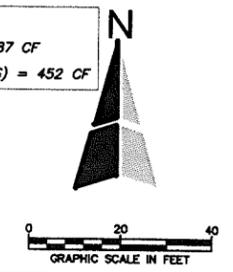
**PREFABRICATED SILT FENCE**



**NOTES:**  
 FILTER FABRIC SHALL BE PLACED UNDER ROCK TO STOP MUD MIGRATION THROUGH ROCK.  
 FILTER FABRIC IS NOT REQUIRED UNDER WOODCHIPS.  
 ENTRANCE MUST BE MAINTAINED REGULARLY TO PREVENT SEDIMENTATION ON PUBLIC ROADWAYS.

**ROCK CONSTRUCTION ENTRANCE**

**INFILTRATION BASIN:**  
 VOLUME REQUIRED (2' X 2320 SF) = 387 CF  
 VOLUME PROVIDED (979 - 981 CONTOURS) = 452 CF



**LEGEND**

- SET 3/4"ODx14" IRON PIPE WITH PLASTIC CAP 46563
- FOUND MONUMENT
- ⊙ SANITARY SEWER MANHOLE
- ⊕ SANITARY CLEANOUT
- ⊖ WATER WELL
- ⊗ UTILITY POLE
- ⊘ DECIDUOUS TREE W/ TAG NO.
- ⊙ CONIFEROUS TREE W/TAG NO.
- ⊗ TREE TO BE REMOVED
- FENCE LINE
- UNDERGROUND GAS LINE
- EDGE OF ASPHALT
- 899 EXISTING GROUND CONTOUR
- 899 PROPOSED CONTOUR
- PROPOSED SPOT ELEVATION
- PROPOSED DRAINAGE ARROW
- TREE LINE
- DENOTES ROCK CONSTRUCTION ENTRANCE
- DENOTES SILT FENCE

**NOTE:**  
 BOUNDARY AND TOPOGRAPHIC INFORMATION PER BUILDING PERMIT SURVEY PREPARED BY WENCK ASSOCIATES, DATED 08/22/2017

NO.	DATE	DESCRIPTION

**CAMPION ENGINEERING SERVICES, INC.**

• Civil Engineering • Land Planning  
 1800 Pioneer Creek Center,  
 P.O. Box 249  
 Maple Plain, MN 55359  
 Phone: 763-479-5172  
 Fax: 763-479-4242  
 E-Mail: mcampion@complaneng.com

I hereby certify that this plan, specification or report has been prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.  
 Martin P. Camplon - Lic. # 19901 Date: 10/09/2017

**JEFF FETTERS**  
 21200 MINNETONKA BLVD.  
 GREENWOOD, MN

**GRADING & EROSION CONTROL PLAN**  
 SHEET NO. 1 OF 1 SHEETS  
 PROJECT NO: 17-041  
 DATE: 10/09/2017

8/20/18



# Variance Application

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

Date application submitted	August 18, 2018
Date application complete (office use only)	
Property address	21200 Minnetonka Blvd, Greenwood, MN
Property identification number (PID)	26-117-23130017
Property owner's current mailing address	5100 Meadville St, Greenwood, MN 55331
Names of all property owners	Marcia L. Fethers Jeffrey E. Fethers
Cell phone and email of property owner(s)	507-213-3727 612-770-5872 marty.fethers@hotmail.com je.fethers@fedins.com
Name of builder / architect (if any)	Tom Bren Homes
Company name of builder / architect	Tom Bren Homes, Inc.
Cell phone and email of builder / architect	612-759-5610 tbren@thomasbrenhomes.com
<small>CITY OF GREENWOOD • 20225 COTTAGEWOOD RD, DEEPHAVEN, MN 55331 • P: 952.474.6633 • F: 952.474.1274 • <a href="http://www.greenwoodmn.com">www.greenwoodmn.com</a></small>	
Company address	2073 Wayzata #50, Long Lake, MN 55356
Present use of property	Carriage House - guest house
Property acreage	0.92 acres
Existing variances or conditional use permits	<input checked="" type="radio"/> No <input type="radio"/> Yes - please attach a copy
Request is for	<input checked="" type="radio"/> New Construction <input type="radio"/> Addition <input type="radio"/> Remodel <input type="radio"/> Replace
The variance(s) are being requested to (e.g. build a garden shed)	See letter attached

**Requested variance(s):**

	Required*	Proposed	Difference
Side Yard (feet)			
Front Yard (feet)			
Rear Yard (feet)			
Lake Setback (feet)			
Building Height (feet)			
Structure Height (feet)			
Wetland Setback (feet)			
Bluff Setback (feet)			
Maximum Above Grade Building Volume (cubic feet)			

Hardcover (percentage)			
Other:	See letter attached		

\* 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](http://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.

**VARIANCE APPLICATION - Page 1 of 3**

**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. CITY OF GREENWOOD • 7077 COTTAGEWOOD RD. DEERHAVEN, MN 55331 • P: 952.474.8633 • F: 952.474.1274 • [www.greenwoodmn.com](http://www.greenwoodmn.com)

Is the variance in harmony with the purposes and intent of the ordinance?	<input checked="" type="radio"/> Yes <input type="radio"/> No Please explain: <i>See letter attached</i>
Is the variance consistent with the comprehensive plan?	<input checked="" type="radio"/> Yes <input type="radio"/> No Please explain:
Does the proposal put the property to use in a reasonable manner?	<input checked="" type="radio"/> Yes <input type="radio"/> No Please explain:
Are there unique circumstances to the property not created by the landowner?	Yes <input checked="" type="radio"/> No <input type="radio"/> Please explain:
Will the variance alter the essential character of the locality?	Yes <input type="radio"/> No <input checked="" type="radio"/> Please explain:

Will the variance impair an adequate supply of light and air to adjacent property?	Yes <input type="radio"/> No <input checked="" type="radio"/> Please explain:
Will the variance unreasonably increase the congestion in the public street?	Yes <input type="radio"/> No <input checked="" type="radio"/> Please explain:
Will the variance increase the danger of fire or endanger the public safety?	Yes <input type="radio"/> No <input checked="" type="radio"/> Please explain:
Will the variance unreasonably diminish or impair established property values within the neighborhood?	Yes <input type="radio"/> No <input checked="" type="radio"/> Please explain:

**VARIANCE APPLICATION - Page 2 of 3**

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.

<b>Neighbor #1 Address:</b>	
Signature:	Date:
Print Name:	

<b>Neighbor #2 Address:</b>	
Signature:	Date:
Print Name:	

**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: *Marcia L. Feltus Jeffrey S. Feltus* Date: *8-18-18*

**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: *Marcia L. Feltus* Date: *8-18-18*

*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
<b>Total Amount Due (make check payable to the City of Greenwood)</b>	<b>\$650</b>

<b>For Office Use Only</b>	Fee Paid: Cash Check #:	Amount \$
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Mr. Dale Cooney

August 18, 2018

Please consider our request for a Variance at our new property located at 21200 Minnetonka Blvd, Greenwood, MN 55331.

As you know, the city has approved our building a carriage house on this property. The building is now complete. Therefore, the city has the survey and all the appropriate information requested on this application already on file in your office.

We are requesting this variance because of a code the city has in place regarding distribution of water from hard cover runoff water on new construction. We believe this code is inappropriate in our particular situation and request this code be waived. We own nearly one acre (.92) of land on this property. Our hard cover represents only about 11% cover and we're allowed 30%. Therefore we are well under the city's required limit for hard cover. You will note from our survey that the <sup>property</sup> slopes downward

into our woods from front to back (East to West). Water has Always and will continue to Always flow to the woods. No neighbors have ever been disturbed by water from this property and never will be.

Here's what we have done to assure no other properties will be impacted:

1. At the city's request, we removed 5 trees along the north side of our property next to our neighbors fence (21220 Minnetonka Blvd.). That cost us thousands of dollars and now we know that was unnecessary... but we complied.

2. We did all the appropriate grading to assure water runs away from this neighbor's property,

3. We installed a grate attached to a tile ditch which runs to the woods behind our property (house and yard) and behind our neighbors house.

All hard cover water is directed to the grate and tile running it all to the woods. Upon exit from the tile, the water

Will disperse harmlessly over a large portion of our woods, sinking into the ground, watering the trees and nature there as it has for decades. The tile water exits the tile <sup>several</sup> feet lower and well behind our neighbors property or below.

4. We have sodded the entire building lot area. This will also prevent any running of rain or melting snow water as it will saturate into the grass.

5. We have installed gutters to direct all roof water to the tile and/or sodded areas to prevent water concerns.

While not related to this water code, we have complied with every other city code and ordinance. We believe strongly in protecting our neighbors and the environment. We even removed a dead tree, again at our great expense, that the city felt was threatening a neighbor's house should it fall in a storm. I do not believe that tree

was even on our property, but to be peaceful and friendly to that neighbor and the city, we removed it.

So now we are asking for help from the city. We do not want, nor should we be required in our particular circumstance—on our particular property, with all we've done to mitigate all water concerns, — we do not want or need an open hole/pond <sup>(rain garden)</sup> to collect water from run off of hard cover.

A water collection hole is unattractive to look at, dangerous for children, unsafe to walk around, deteriorates over time, and attracts/breeds massive numbers of mosquitoes. Our plans to move the water just off the yard in back of the house, below our and our neighbor's house and disperse it throughout the woods should completely comply with the city's concerns and importantly satisfy the

Spirit of the ordinance in question. Our neighbors will not want a mosquito pond either.

Therefore, we invite you to inspect <sup>(rain garden)</sup> our property to see for yourselves that water will never be a concern for us or our neighbors. In fact, we believe we have greatly enhanced the neighborhood by eliminating the old abandoned house (previous owner) and building a lovely carriage house with attractive yard and landscaping versus an unsightly, overgrown, weed infested lot.

We thank you for your consideration and look forward to your approval of our plans and variance.

Sincerely,  
Marcia L. Fetter

Jeff Fetter

8-18-18

My Name is Britta Larson and I live at 21220 Minnetonka Blvd. in Greenwood.

I have asked my neighbor Rob to read this to you since I am unable to attend the meeting tonight.

I have lived in Greenwood for the past 26 years and my home shares the north property line of the structure on 21200 Minnetonka Blvd. I too agree with all of the neighbors that the structure built on that property is a wonderful improvement to the prior house that was on that lot.

I agree with the Staff Report Recommendation to deny the variance request. I will add a few thoughts as well as a potentially impacted property owner.

As many of you well know, my house and property have been significantly impacted and damaged by watershed from the house on the hill that I share the south property line of my residence with. At the time that home was built, there were no ordinances that were reinforced for them to have gutters or other storm water run-off solutions.

I have spent over \$30,000.00 on drain tile, a dry river bed, reinforcing existing boulder walls and reinforcing landscaping.

(Older boulder walls that got washed down the hill due to storm run- off)

After ground cover and trees were removed along the property line.

This was not to improve my property or landscaping, but was done solely for the purpose of keeping water out of my basement and not having water damage done to my house.

I have had to resort to having a landscaping company put a silt fence along the south lot line so more damage is not done to my home, and to keep the hill from further sliding down onto my property.

An eyesore to be sure.

As someone who shares a lot line with the structure at 21200 and has a lower level elevation than that property, I am very concerned that much of the same will happen, that has happened on the south side of my home.

It would essentially become a "bowl" for water to collect if not dispersed properly and responsibly.

There would simply be no place for it to go other than to collect in the northwest corner of my lot.

If the City Of Greenwood allows new structures to build without taking serious consideration of how that water run-off impacts neighbors, vegetation, trees and roads. I believe you will be setting a standard that will be very difficult to recover from, or change in the future.

As the old saying goes, "It's easier to ask for forgiveness than permission."

In the mean-time, I think it could be set a dangerous precedent to approve a variance to the current ordinance without knowing the full impact of future variance requests that could want to rely on this variance approval, if approved.

Thank you for taking the time to read this and letting me voice my concern about this very important matter that effects all of us in the City Of Greenwood.

- My name is Rob Bohnenkamp. I live at 4925 Woods Court. Thank you for the opportunity to provide input related to this variance request.
- If you look at Page 3 of the Staff Report, my house can be seen in the lower left corner of the photo. My property runs along the entire back of the 21200 property.
- I will note the structure on the 21200 property is nice and is a significant improvement over the prior house on the property.
- As many of you may know, stormwater runoff has been a significant problem for this area. I believe this ordinance was established, at least in part, to deal stormwater runoff problems incurred by properties contiguous to the 21200 property.
- I agree with the Staff Report Recommendation to deny the variance request. I will add a few thoughts as a potentially impacted property owner.
- In the Staff Report, page 2, section d) ... it states that “the applicants make the claim that the location of the outlet in the rear yard would disperse stormwater runoff “harmlessly over a large portion of our woods” ...
  - I respect that the applicants believe that is a reasonable assumption ...
  - At the same time, I think it is also a reasonable assumption that stormwater will run down the hill and through the woods into Woods Court. As you can see in the diagram in the Staff Report, the woods have a very steep pitch. While the stormwater runoff may be harmless to the 21200 property woods, it could still be harmful to Woods Court.
  - I agree with the ordinance, and the Staff Report, that the applicants need to demonstrate they meet the ordinance requirements.
- My next comments relate to Page 1 of the Staff Report, under “scenarios” ... under point 2) ... where it notes “the ordinance is amended to set a different threshold for mitigation” ... as well as Agenda Item 3b ...
  - I understand the sympathy in this scenario ... why should lots with low impervious surface coverage have to mitigate their stormwater runoff when lots with larger impervious surface coverage don’t have to mitigate it? ...
  - I think the answer is that there is a stormwater runoff problem in Greenwood, and from a practical standpoint, we need to deal with it on a going forward basis.
  - In the event that an ordinance revision is considered, I think it is critical to consider the potential impact to the entire City of Greenwood. The impact could be significant, and if so, opportunities to mitigate the impact would likely be limited and difficult to implement. I expect it would be very difficult to require properties built in compliance with the ordinances in effect at the time they were built to take stormwater mitigation actions now.
  - In the mean time, I think it could be set a dangerous precedent to approve a variance to the current ordinance without knowing the full impact of future variance requests that would want to use this variance request as justification for their requests.
- Thanks for the opportunity to provide input on this important matter.

To: Greenwood, MN Planning Commission

From: Judy Gregg  
21280 Minnetonka Blvd  
Greenwood, MN 55331

Re: Variance request from storm water mitigation requirements at 21200 Minnetonka Blvd

Date: September 11, 2018

I am writing to voice my opposition to the variance request made by Marcia and Jeffrey Fetters for their property at 21200 Minnetonka Blvd, Greenwood. Although the Fetters have put up a beautiful garage and have improved the property considerably, I have great concerns about the runoff problem that would be created by giving them the variance. Rob Bohnenkamp has already experienced flooding on his own property and Britta Larson has endured much difficulty (time and a great deal of money) in trying to prevent the collapse of the wall between her property and the 21240 Minnetonka Blvd property to keep the wall from sliding into her property causing property damage.

Although that the 21200 property backs up to mine, I don't believe that I would be unduly affected because of the elevation of my property. Personally, I have been unduly affected by the water and mud runoff from my neighbor's property at 21240 Minnetonka Blvd. All the groundcover had been removed and landscape cloth put over the area. It created the perfect water slide for the rain from the heavy rainfalls to flow into my basement. Finally, this year the neighbor put a thick bed of mulch over the landscape cloth. This has helped considerably. Thankfully, an ordinance was put in place to give me recourse should my neighbors fail to maintain that slope and I thank the City Council for that.

I am here to support my neighbors, Rob Bohnenkamp's and Britta Larson's request that the variance request be denied and that the City of Greenwood be proactive in dealing with water runoff going forward. Whether you agree with the science of climate change or not, the fact is that the amount of rainfall per hour that we have been experiencing over the last several years is rapidly increasing and making it very difficult for the homeowner to manage it. The science says that this trend will continue and Greenwood must do everything it can to maintain strict standards for managing it and protecting homeowners property as well our lakes. I agree with Rob's suggestion that any ordinance revision take into account the impact on the entire City of Greenwood.

Thank you,

Judy Gregg

RESOLUTION NO 25-18

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

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**DENYING**

**In Re: Application of Marcia and Jeffrey Fetters for the property at 21200 Minnetonka Boulevard for a variance from Greenwood ordinance code section 1140.17 requiring stormwater mitigation.**

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Marcia and Jeffrey Fetters, applicants, are the owners of property commonly known as 21200 Minnetonka Boulevard, Greenwood, Minnesota 55331 (PID No. 26-117-23-13-0017) being real property in Hennepin County Minnesota and legally described as follows:

**Lots 1, 2, and 3, Lot 30 except the Southerly 15 feet thereof, Lot 31, Block 13, Minnetonka Manor**

**WHEREAS**, application was made for variance to zoning code section 1140.17 in conjunction with the construction of a new house on the property where the impervious surface expansion triggered stormwater mitigation requirements; 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 September 12, 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 21200 Minnetonka Boulevard, 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 seek a variance for the required stormwater mitigation on the property. Section 1140.17 of the city code requires stormwater mitigation for any impervious surface expansion of 200 square feet or more. In conjunction with the construction of a new house and driveway on the property, the impervious surface area of the property expanded from 2,026 square feet to 4,346 square feet for an expansion in impervious surface area of 2,320 square feet. The applicants are requesting not to provide mitigation for the property.
3. Performance criteria for stormwater mitigation includes the option of providing volume control to handle a 2 inch rain event for the expanded impervious surface area. Stormwater mitigation would need to accommodate a volume equivalent to 387 cubic feet. The applicants had originally proposed a raingarden in the front yard to accommodate 452 cubic feet of volume. The additional runoff from the impervious areas on the property would drain primarily towards the Woods Court cul-de-sac.

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 deny the request of Marcia and Jeffrey Fetters to vary from city code section 1140.17 stormwater management requirements, as proposed, for the property at 21200 Minnetonka Boulevard, Greenwood, Minnesota 55331. The motion was based on the following findings:
  - 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 protect and safeguard the health, safety, and welfare of the public by regulating stormwater runoff rates and volumes that can lead to flooding, flood damage, and erosion. Granting the variance would lead to increased runoff volumes from the expanded impervious areas on the property which is not in harmony with the ordinance.
  - b) The variance, if granted, will **NOT** be consistent with the comprehensive plan which states that the city will protect natural drainage ways and water courses from accelerated storm water run-off or constriction in conjunction with the development, redevelopment or expansion of housing.
  - 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: the proposed hardcover expansion is relatively small compared to what could be built per zoning code requirements and the overall stormwater volume increase is equally modest based on the overall size of the property.
  - d) The plight of the landowner-applicant is **NOT** due to circumstances unique to the property and not created by the landowner because: there is adequate space on the property to accommodate the required runoff volumes via a mitigation system. The applicants make the claim that the location of the outlet in the rear yard would disperse stormwater runoff “harmlessly over a large portion of our woods”, however to meet the ordinance requirements the applicants would need to demonstrate that the rate of runoff for the equivalent of at least a 2-inch per hour rainfall event for the proposed impervious surface expansion so that the rate does not increase as a result of the project. That information has not been provided. Also, the ordinance does not make exceptions for low impervious surface area properties, and the Fetters request is based on circumstances created by the new construction expansion of impervious areas on their 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. While the water volumes off of the property will be more than existing, it is not expected to be of an amount that would change the essential character of the locality.
  - 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 DOES NOT comply 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 NOT made an adequate demonstration of facts meeting the standards of section 1155.10 necessary for the granting of variances from section 1140.17 and therefore variances from the stormwater management requirements of the section 1140.17 of city ordinance be **DENIED**.

**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 Marcia and Jeffrey Fetters for the property at 21200 Minnetonka Boulevard, Greenwood, Minnesota 55331 for variances from the stormwater management requirements of section 1140.17 is **DENIED**.

**PASSED** this 3rd day of October, 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: **09-05-18**

Prepared by *Deb Kind*

**Agenda Item:** 2nd 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 an ordinance that regulates residential properties based on the characteristics of the lot instead of lot location. The intent is to reduce the severity of 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 09-05-18 council meeting, the city council approved the 1st reading of the ordinance that incorporated comments received from the city attorney in addition to language proposed by Councilman Fletcher regarding increasing interior side yard setbacks for structures longer than 70ft. Since the 1st reading, the city attorney reviewed the ordinance again and has further suggestions (see attached memo). The attached ordinance has been revised to incorporate the city attorney's latest suggestions except for the items highlighted in red, because these changes are more substantive and council input is needed.

**Timeline:**

10-03-18 City council considers 2nd reading of the ordinance (may make revisions).

10-04-18 The ordinance is submitted to the Sun-Sailor for publication.

10-11-18 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 2nd reading of ordinance 279 amending zoning code chapter 11 to simplify residential zoning regulations dated \_\_\_\_\_ **as written**; (2) approves resolution 19-18 a summary of ordinance 279 for publication; and (3) directs the ordinance be submitted to the Sun-Sailor for publication.
2. I move the city council (1) approves the 2nd reading of ordinance 279 amending zoning code chapter 11 to simplify residential zoning regulations dated \_\_\_\_\_ **with revisions as discussed**; (2) approves resolution 19-18 a summary of ordinance 279 for publication; and (3) directs the ordinance be submitted to the Sun-Sailor for publication.
3. I move the city council (1) directs that ordinance 279 amending zoning code chapter 11 to simplify residential zoning regulations dated \_\_\_\_\_ **be revised as discussed**; and (2) **directs the ordinance be placed on the 11-07-18 council agenda for a 2nd reading.**
4. 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.*

## MEMORANDUM

**TO:** Greenwood Administration Committee, Mayor Deb Kind and City Council Member, Tom Fletcher

**FROM:** Mark W. Kelly

**DATE:** September 21, 2018

**RE:** Draft Proposed Ordinance 279 – An Ordinance Amending Greenwood Ordinance Zoning Code, Chapter 11

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I have reviewed the September 5, 2018 iteration of proposed Ordinance 279 and provide the following comments:

### **Section 1**

The opening statement should read:

“Greenwood Ordinance Code Section 1102 Definitions is amended by the restatement of the definitions for “Lot Width” and “Structure”, as follows:”

“Lot Width” I suggest this in pertinent part read: “at the principal structure front setback or rear/lake yard setback lines *as may be applicable* ...”

### **Section 2**

The opening statement should read:

“Greenwood Ordinance Code Section 1102 Definitions is amended by the addition of the following definitions:”

I recommend that the definition of “Lot, Flag” be changed to read:

“Lot, Flag means a lot with substandard or no frontage on a public road right-of-way,

where access to public road right-of-way is over the substandard lot frontage or by a private easement, commonly known as a “flag lot”.

“Lot Width”, Average. I recommend that the math calculation given at the end of Example 1, read:

“(70+90)/2=80 feet.”

Similarly, the math calculation at Example 2, should read: “(100+40)/2=70 feet.”

Wall, Exterior Side. I recommend that this read:

“Wall, Exterior Side means an *exterior* wall of a principal structure closest to the most adjacent side yard lot line.”

### **Section 3**

Section 1115.00, Subdivision 2, Zoning Map. I recommend that the first sentence thereof read:

“The boundaries of the districts established by *Subdivision 1* of this ordinance are delineated on the Greenwood Zoning Map, set forth below. *Said* map and all notations ...”

### **Section 4**

Section 1120.00, Subdivision 2. Historical Background. I recommend that the second sentence read, in part:

“These lots were intended to be developed with *seasonal* small homes and cabins ...”

Section 1120.02, Public Health, Safety & Welfare. I recommend the second sentence read in part:

“(1) Prevention of *projecting* overhanging eaves and other above ground encroachments onto adjacent property.”

### **Section 1120.05, R-1 Permitted Uses.**

**Subdivision (e) Primary Accessory Uses includes “Signs as regulated in Section 1140, et seq.” At subdivision 4(d), Conditional Uses also lists “signs as regulated in Section 1140 et seq”. These conflict without explanation. Certain signs may necessitate a conditional use permit. It is necessary to distinguish the sign types which are being referenced in these two sections. Therefore revisions are needed.**

Subdivision (4)(e), Conditional Uses, identifies “Churches, chapels, synagogues, temples, etc. as a Conditional Uses. Greenwood has yet to adopt any specific regulations of these. It should establish code standards related thereto, including building sizes, signage, parking, etc. as standards of review. Any effort by the City to regulate these facilities as a Conditional Uses without pre-established code terms and conditions is subject to challenge for lack of specificity. Until such standards are adopted, I recommend that Subdivision 4(e) be struck.

Subdivision 1(d), Principal Uses states that uses mandated in state statutes are “permitted uses”. However, Subdivision 4(f), Conditional Uses, also states that uses mandated in state statutes are conditional uses. The Code fails to adequately distinguish which are permitted and which are conditional uses. As discussed above, regarding churches, etc., legal standards relating to conditional uses should be first adopted. The City must determine which of these are conditional or permitted uses. Until then, I recommend that reference to “uses mandated in state statutes” be placed only in Section 1120.05, Subdivision 1.

Section 1120.10, R-1 Lot Dimensions.

Table entries:

Minimum Lot Width table entry. I recommend this read:

“For lots without lakeshore, 75 feet of street frontage. For lakeshore lots, 75 feet of lake frontage.”

Second left hand entry, I recommend this read:

“Minimum Lot Size *required* for existing lots ...”

Third left hand entry, I recommend this read:

“Minimum Lot Sizes of existing lots of record required for the construction of ...”

Section 1120.16, Interior or Side Yard Setback. Subdivision 2. I recommend this in pertinent part read:

“... is less than the setback required in *Subdivision 1*, then the interior side yard setback on the opposite side of the Lot shall be increased by an amount equal to the distance between the setback distance *required under Subdivision 1* and the pre-existing (grandfathered in) setback ...”

Section 1120.16, Subdivision 3 B. Regulation. I recommend this paragraph to read:

“The interior side yard setback shall be increased by an additional 5 feet when an exterior *side wall*, or combination of exterior *side walls along an interior side yard*

*setback line* exceed 70 feet in length.

Example: A building may be constructed employing an exterior side wall that is 70 feet long, set at a 15-foot interior side yard setback, but any portion of the exterior side wall that extends greater than 70 feet in length must employ a 20-foot setback. See drawing examples below.”

Section 1120.20, R-1 Minimum Building Standards. Subdivision 2 addressing *variances* is superfluous and should be stricken. Subdivision 3 should renumbered accordingly.

Section 1120.22, R-1 Lots of Record. I recommend that this read:

“Lots of record are subject to regulation under Greenwood Shoreland Management District Regulation Section 1176 et seq.”

## **Section 5**

Section 1122.00, Purpose. This section concludes with the following statement:

“Setting forth standards that were in effect at the time that the area zoned hereunder were platted and approved by the City.”

The intent of this statement is unknown and seems to have no purpose. I recommend it be deleted.

Section 1122.23, R-2 Lots of Record. This section should read in the same as that proposed above for Section 1120.22, R-1 Lots of Record.

## **Section 8**

1145:00 Non-Conformities.

I recommend that Section 1145.00(e) read:

“Non-conforming lots of record are subject to regulation under the Shoreland Management District Ordinance, Section 1176 et seq.”

**Section 1145.15, Alterations.**

**I recommend the *second* and *third* sentences thereof be deleted in favor of the following:**

**“The use of a non-conforming use or building may not be changed in any manner except to a permitted use authorized under this Code.”**

The fourth sentence can be retained.

Section 1145.20, Residential Alterations. I recommend that this section read:

“Alterations may be made to a residential building containing non-conforming dwelling units only upon variance first obtained and then upon proof, under the applicable review standards, to the satisfaction of the City Board of Appeals and Adjustments, that the proposed alterations will improve the livability of such units; provided, however, that in no event shall the number of the dwelling units in a building be increased.”

Section 1145.30, Normal Maintenance. I recommend it read:

“Maintenance of a building or other structure containing or used as a non-conforming use is permitted, other than construction or repair intended or deemed by the City, to be structural repair or alterations intended to expand or intensify the non-conforming use. Nothing in this ordinance shall prevent the correction of an unsafe condition when the structure is declared unsafe by the City.”

**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 the following definitions:

“Lot Width means the horizontal straight line distance between the side lot lines at the principal structure front setback or rear / lake yard setback lines as may be applicable not including narrow strip(s) of land providing access to the street or lake (commonly called “flag lots”).”

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

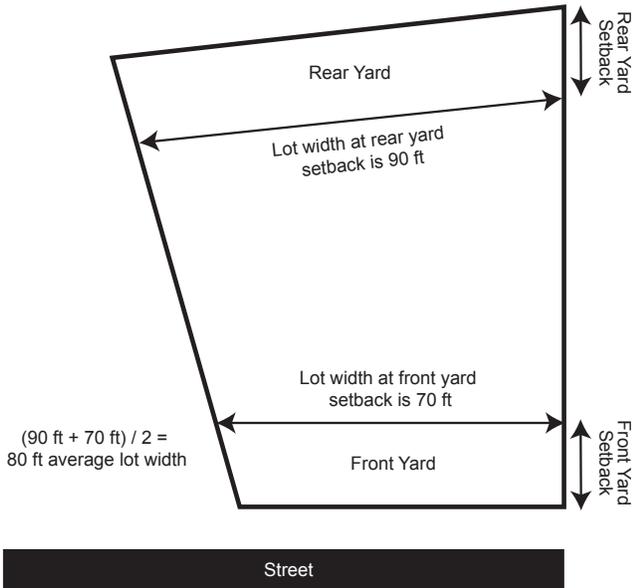
**SECTION 2.**

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

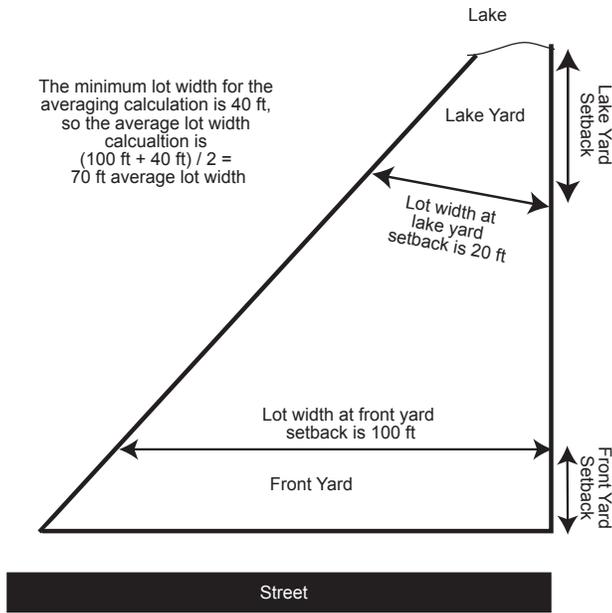
“Lot, Flag means a lot with one or more long, slender strips of land resembling flag poles that extend from the typically rectangular main section of the lot out to the street or lake.”

“Lot Width, Average means the average of (1) the lot width at the front yard setback and (2) the lot width at the rear or lake yard setback, whichever is applicable. The minimum lot width to be used in the calculation for averaging is 40 ft.

*Example 1:* If the lot width is 70 ft at the front yard setback and 90 ft at the rear yard setback, the average lot width is 80 ft.  $(70 + 90) / 2 = 80$  ft.



**Example 2:** If the lot width is 100 ft at the front yard setback and 20 ft at the lake yard setback, the 20 ft lot width defaults to 40 ft, so the average lot width is 70 ft.  $(100 + 40) / 2 = 70$  ft.



“Wall, Exterior Side means an exterior wall of a principal structure that runs in the same direction as the building line on the side yard.”

“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 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 Greenwood zoning map, set forth below. 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 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.**

Subd. 1. Purpose. 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 residential character of the community.

Subd. 2. 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 seasonal 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. 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 the neighborhood setting, 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. Nearly 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 projecting 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. Nonconforming Lots of Record**

For regulations relating to nonconforming lots of record and regulation of nonconformities, 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 regulated under section 1123 et seq, is specifically limited to the premises commonly known as the “Old Log Theatre and Cast & Cru Restaurant,” identified by the county auditor as 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 for required lot area, width, and depth in the R-1 Single-Family District:

	Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth
Minimum lot size for newly platted, created, or remnant lots <b>after subdivision</b> under section 600*	15,000 sq ft	For lots without lakeshore, 75 ft of street frontage. For lakeshore lots, 75 ft of lake frontage.	150 ft
Minimum lot size required for existing lot when a portion has been severed and <b>accreted</b> onto a neighboring lot under section 600*	15,000 sq ft	75 ft	150 ft
Minimum lot size of <b>existing</b> lots of record required for the construction of a single-family home thereon (see section 1176.04 subd 10)	6750 sq ft	45 ft at the building line	No minimum lot depth

\*See subdivision regulations, section 600.

**Section 1120.15. R-1 Setbacks & Impervious Surfaces.**

The following are the minimum 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	Impervious Surface Coverage
Single-Family Principal Structure	30 ft	See section 1120.16.	30 feet	35 feet	50 ft	For lots 10,000 sq ft or more in area, the maximum impervious surface coverage is 30%.
Accessory Structures	See section 1140.10 for Accessory Structures and Uses (primary and secondary) Setbacks and General Regulations					For lots less than 10,000 sq ft in area, the maximum impervious surface coverage is equal to 40 – (the total lot area in sq ft x .001). See calculation example below.*

\* Calculation Example for a 8,500 sq ft lot:  $40 - (8,500 \times .001)$  or  $40 - 8.5 = 31.5$ . Based upon the foregoing, the maximum impervious surface for the sample 8,500 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.**

Subd. 1. The interior side yard setback is 15 ft for lot with an average lot width of 75 ft or more. For a lot with an average lot width less than 75 ft, the side yard setback is 20% of the average lot width; provided, however, that in no event shall a side yard setback be less than 8 ft.

Subd 2. In the event a lot has a pre-existing nonconforming (grandfathered) interior side yard setback that is less than the setback required in subd 1, then the interior side yard setback on the opposite side of the lot shall be increased by an amount equal to the distance between the setback distance required under subd 1 and the pre-existing (grandfathered) setback; provided, however, that in no event shall the setback required for the opposite interior side yard be greater than 15 ft. See calculation examples below.

*Calculation Example 1:* If a parcel with an average lot width of 50 ft has a pre-existing nonconforming (grandfathered) principal structure that is 8 ft from the interior side yard line, the required setback for the interior side yard on the opposite side of the lot shall be 12 ft calculated as follows:  $20\% \times 50 \text{ ft} = 10 \text{ ft}$ ,  $10 \text{ ft} - 8 \text{ ft} = 2 \text{ ft}$ ,  $10 + 2 \text{ ft} = 12 \text{ ft}$ .

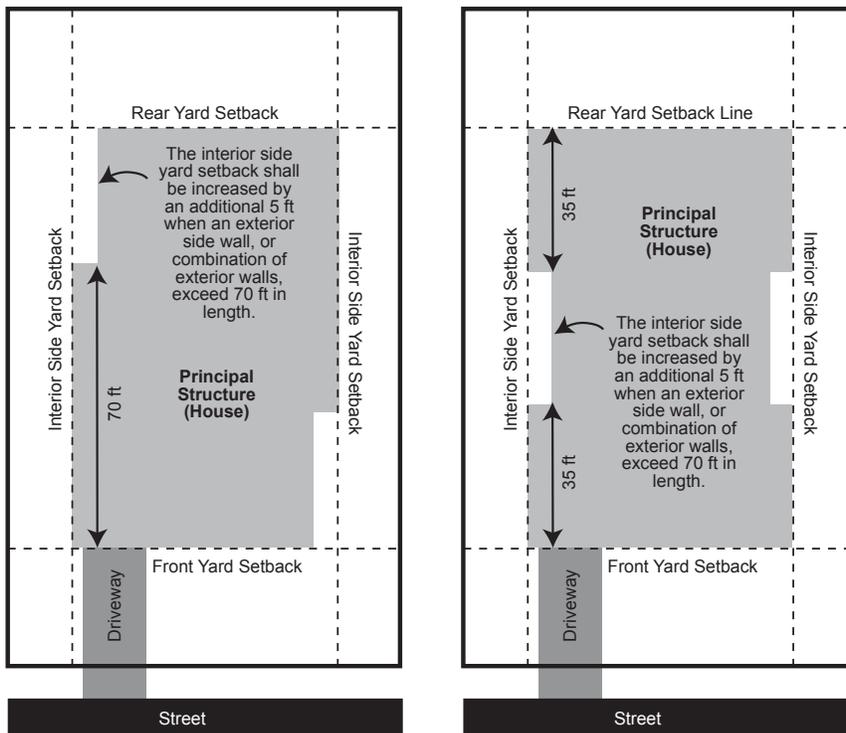
*Calculation Example 2:* If a parcel with an average lot width of 60 ft has a pre-existing nonconforming (grandfathered) principal structure that is 5 ft from the interior side yard line, the required setback for the interior side yard on the opposite side of the lot shall be 15 ft calculated as follows:  $20\% \times 60 \text{ ft} = 12 \text{ ft}$ ,  $12 \text{ ft} - 5 \text{ ft} = 7 \text{ ft}$ ,  $12 + 7 \text{ ft} = 19 \text{ ft}$ . However, subd 2 above provides that “in no event shall the setback required for the opposite interior side yard be greater than 15 ft,” so the required setback will default to 15 ft.

**Subd 3. Additional Interior Side Yard Setback for Long Exterior Walls**

**A. Purpose.** The city finds that construction of long building walls running along an interior side yard setback line, especially if continuous and uninterrupted and tall, create an imposing structure and an adverse impact on the adjacent property owner's reasonable use and enjoyment of their property. Therefore, to protect the public welfare and preserve the character of our residential neighborhoods, it is necessary that the interior side yard setback be increased for long exterior side walls.

**B. Regulation.** The interior side yard setback shall be increased by an additional 5 ft when an exterior side wall, or combination of exterior side walls along an interior side yard setback line exceed 70 ft in length.

*Example:* A building may be constructed employing an exterior side wall that is 70 ft long, set at a 15-ft interior side yard setback, but any portion of the exterior side wall that extends greater than 70 ft in length must employ a 20-ft setback. See drawing examples below.



## **Section 1120.20. R-1 Minimum Building Standards.**

Subd. 1. Principal structures 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 applicable side yard setback distance within 20 ft of the side property line. 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) be served by an attached or detached garage and a hard-surfaced driveway to the public street (see section 1140.46); and
- (g) meet all current standards of city building codes and appendices.

Subd. 2. Primary accessory structures (new construction or new additions) in the district shall:

- (a) be limited to 1 private garage, 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 of all primary accessory structures on the lot of 1,000 square feet or 60% of the total main floor square footage of the principal structure including the square footage of any attached garage – whichever is less;
- (d) meet all current standards of city building codes and appendices.

## **Section 1120.22. R-1 Lots of Record.**

Lots of record are subject to regulation under Greenwood Shoreland Management District Regulation section 1176.04 subd. 10.

## **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 5.**

Greenwood ordinance code section 1122 R-1B Single-Family Residential District is amended to read as follows:

## **“SECTION 1122. R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT.**

### **Section 1122.00. Purpose.**

This district establishes a use zone for low-density, single-family dwellings in the plats of Knapp Cool Oaks, Knapp Cool Oaks 2nd Addition, Woods of Lyman Lodge and the following legally described property:

Real property located in Hennepin County, Minnesota described as follows:

Lot 8, Section 35, Township 117, Range 23, the same being an island or peninsula in the Southeasterly part of St. Alban's Bay, a part of Lake Minnetonka.

That part of Lot 8, "Maple Heights," lying west of the line erected perpendicular to the north line of said lot from a point therein 250 feet west along said line from the northeasterly corner of said lot; meaning to include as a part of said lot and as a part of the portion above described; the land shown upon the plat at the west end of said lot bounded on the south by the south line of said lot and on the easterly and northerly side by dotted lines and on the northerly side of said tract by the shore line of St. Alban's Bay, Lake Minnetonka and on the southwesterly side of said tract by the shore line of St. Alban's Bay, Lake Minnetonka, according to the plat thereof on file or of record in the office of the register of deeds in and for said Hennepin county.

Lot 9, Maple Heights except that part thereof described as follows: Commencing at the northeast corner of Lot 9, thence southwesterly along the easterly line of Lot 9 to the southeasterly corner thereof; thence west along the south line of Lot 9 a distance of 92 feet; thence at right angles north to the north line of Lot 9; thence east along the north line of Lot 9 to the point of beginning, according to the plat thereof on file or of record in the office of the register of deeds in and for said Hennepin county.

### **Section 1122.05. R-2 Permitted Uses.**

No building shall be used or shall hereafter be erected, altered or converted in any manner, except as provided in section 1122 et seq. Permitted uses shall be:

Subd. 1. Principal Uses.

(a) Uses as permitted in the R-1 district.

Subd. 2. Primary Accessory Uses.

(a) Uses as permitted in the R-1 district.

Subd. 3. Secondary Accessory Uses.

(a) Uses as permitted in the R-1 district.

Subd. 4. Conditional Uses.

(a) Uses as permitted in the R-1 district.

**Section 1122.10. R-2 Lot Dimensions.**

The following required lot area, width, depth, and lot coverage regulation shall be considered as minimum standards for buildings:

	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Ft.)	Minimum Lot Depth (Ft.)
Single Family	20,000	100	150

**Section 1122.15. R-2 Setbacks.**

Subject to the provisions of section 1176 et seq., the following front, side, rear, and lake yard setbacks shall be considered as minimum standards for buildings:

Land Use	Front Yard	Side Yard	Exterior Side Yard (Corner Lot)	Rear Yard	Lake Yard
Single-Family Principal Structure	35	15	35	60	50
Accessory Structures	See section 1140.10 for Accessory Structures and Uses (primary and secondary) Setbacks and General Regulations				

**Section 1122.20. R-2 Building Minimum Requirements.**

Subd. 1. Principal structures in the district shall:

(a) Minimum requirements as listed in the R-1 district.

Subd. 2. Primary accessory structures in the district shall:

(a) Minimum requirements as listed in the R-1 district.

**Section 1122.23. R-2 Lots of Record.**

Lots of record are subject to regulation under Greenwood Shoreland Management District Regulation section 1176.04 subd. 10.

**Section 1122.25. R-2 General Regulations.**

Additional requirements for the R-2 district are set forth in section 1140 et seq. of this ordinance.”

**SECTION 6.**

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.**

This section carries forward established ordinances and regulations 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 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
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 7.**

Greenwood ordinance code section 1125 R-2 Single-Family Residential District is repealed in its entirety.

#### **SECTION 8.**

Greenwood ordinance code section 1145 Nonconformities is amended to read as follows:

### **“SECTION 1145. NONCONFORMING USES.**

#### **Section 1145.00. Nonconformities.**

- (a) Except as otherwise provided by law, 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, unless:
  - (1) the nonconformity or occupancy is discontinued for a period of more than 1 year; or
  - (2) any nonconforming use is destroyed by fire or other peril to the extent of greater than 50% of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged. In this case, the city may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body. When a nonconforming structure in the shoreland district with less than 50% of the required setback from the water is destroyed by fire or other peril to greater than 50% of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.
- (b) Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy. The city may, by ordinance, permit an expansion or impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare, or safety. This subdivision does not prohibit the city from enforcing an ordinance that applies to adults-only bookstores, adults-only theaters, or similar adults-only businesses, as defined by ordinance.
- (c) Notwithstanding paragraph (a), the city shall regulate the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in floodplain areas to the extent necessary to maintain eligibility in the National Flood Insurance Program and not increase flood damage potential or increase the degree of obstruction to flood flows in the floodway.
- (d) In evaluating all variances, zoning and building permit applications, or conditional use requests, the zoning authority shall require the property owner to address, when appropriate, stormwater runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.
- (e) Nonconforming lots of record are subject to regulation under Greenwood Shoreland Management District Regulation section 1176.04 subd. 10.

#### **Section 1145.10. Discontinuance.**

In the event that a nonconforming use of any building or premises is discontinued or its normal operation stopped for a period of 1 year, the use of the same shall thereafter conform to the regulations of the district in which it is located.

#### **Section 1145.15. Alterations.**

The lawful use of a building existing at the time of the adoption of this ordinance may be continued, although such use does not conform with the provisions hereof. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification. The foregoing provisions shall apply to nonconforming uses in districts hereafter changed. Whenever a nonconforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed into a less restricted use.

#### **Section 1145.20. Residential Alterations.**

Alterations may be made to a residential building containing nonconforming dwelling units when they will improve the livability of such units, provided, however, that they do not increase the number of dwelling units in the building.

**Section 1145.25. Restoration After Damage.**

Subd. 1. Any building which has been damaged by fire, explosion, act of God or the public enemy to the extent of more than 50% of its value, as indicated in the records of the county assessor at the time of damage, and a building permit has been applied for within 180 days of when the property is damaged, may be restored to its pre-damage condition.

Subd. 2. Any building which has been damaged by fire, explosion, act of God or the public enemy to the extent of more than 50% of its value, as indicated in the records of the county assessor at the time of damage, and a building permit has not been applied for within 180 days of when the property is damaged, must be rebuilt in conformity with the city’s zoning code.

**Section 1145.30. Normal Maintenance.**

Maintenance of a building or other structure containing or used by a nonconforming use will be permitted when it includes necessary, nonstructural repairs and incidental alterations that do not extend or intensify the nonconforming building or use. Nothing in this ordinance shall prevent the correction of an unsafe condition when said structure is declared unsafe by the city zoning administrator.”

**SECTION 9.**

Greenwood ordinance code section 1176.04 subd. 3 Minimum Lot Size, Width, Building height, and Impervious Coverage 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	Riparian and Non-Riparian Lots	Office District	Lake Recreation District
	R-1	R-2	C-1	C-2
Lot Area (sq. ft.) abutting water and not abutting water	15,000	20,000	10,000	10,000
Lot Width (ft.) street frontage for non-riparian lots, lake frontage for riparian lots	75	100	75	75
Building Setback from OHWL (ft.)	50	50	50	50
Maximum Building Height	28	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 for the R-1 district and 1122.15 for the R-2 district.
- 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 10.**

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

“Subd. 10. Lots of Record. A “lot of record” is a lot filed in the office of the Hennepin county register of deeds on or before December 1, 1992.

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 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 45 ft or greater;
3. the lot is in separate ownership from abutting lots; and
4. the lot has access to a public sewer.

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

Pursuant to state rule 6120.3300 and MN statute 462.357, as of August 24, 2018 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.

Pursuant to state rule 6120.3300 and MN statute 462.357, as of August 24, 2018 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.”

**SECTION 11.**

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 permitted percentage as shown in the table in section 1120.15 for the R-1 district and the table in 1122.15 for the R-2 district shall have the burden of proof to establish that such excess impervious surface coverage is a pre-existing *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 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.”

**SECTION 12.**

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: September 5, 2018  
Second reading: \_\_\_\_\_, 2018  
Publication: \_\_\_\_\_, 2018



Agenda Number: **7C**

Agenda Date: **10-03-18**

Prepared by Dale Cooney

**Agenda Item:** First reading of ordinance 281: revisions to section 1140.17 regarding stormwater management

**Summary:** The city engineer has recommended text changes to the stormwater management ordinance in order to add clarity to the performance criteria in the ordinance. As currently written, the city engineer feels that there may be some ambiguity as to what is required from the existing performance criteria.

**Planning Commission Action:** The planning commission held a public hearing to consider the ordinance at their 09-12-18 meeting. Motion by Gallagher to recommend approval of the ordinance as written. Motion was seconded by Barta. Motion carried 3-0.

**Timeline:**

~~09-05-18 The city council reviews the first draft of the ordinance.~~

~~09-12-18 Planning commission holds public hearing and makes a recommendation to the city council.~~

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 (goes into effect 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.

11-05-18 The ordinance is published in the Sun-Sailor (goes into effect on this date).

**Council Action:** Potential motions ...

1. I move the city council (1) approve the first reading of ordinance 281 amending the city's zoning code section 1140.17 regarding stormwater management as written; (2) waives the second reading; and (3) directs staff to submit ordinance 281 to the Sun-Sailor for publication.
2. I move the city council (1) approve the first reading of ordinance 281 amending the city's zoning code section 1140.17 regarding stormwater management as written/as amended; and (2) directs that the ordinance be placed on the November council agenda for a 2nd reading.
3. I move the city maintain its current ordinance regulations.

*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.*

Strikethrough = Deleted Text Underline = New Text

ORDINANCE NO. 281

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA AMENDING GREENWOOD ORDINANCE ZONING CODE SECTION 1140.17 REGARDING STORMWATER MANAGEMENT PERFORMANCE CRITERIA**

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

**SECTION 1.**

Greenwood ordinance code section 1140.17 Stormwater Management is amended to read:

Subd. 3. Performance Criteria. All applicable activities subject to subd 2 of this ordinance shall establish permanent stormwater management practices that convey, store, or retain stormwater runoff before discharge onto adjacent properties and public rights-of-way according to the following standards:

- (a) ~~Manage volume of runoff for the equivalent of at least a 2 inch / 24 hour rainfall event for the proposed impervious surface expansion so that the volume does not increase as a result of the project~~ For alterations that do not result in exceedance of hard cover requirements, provide stormwater runoff volume reduction practice(s) on-site with capacity to retain a minimum volume equivalent to two (2) inches times the net increase in impervious surface. For alterations on sites that exceed hard cover requirements, provide stormwater runoff volume reduction practice(s) on-site with capacity to retain a minimum volume equivalent to two (2) inches times the net increase in impervious surface or the exceedance in impervious surface allowed, whichever is greater; or
- (b) ~~Manage the rate of runoff for the equivalent of at least a 2 inch per hour rainfall event for the proposed impervious surface expansion so that the rate does not increase as a result of the project~~ Provide stormwater runoff management practice(s) on-site so that the peak runoff rate from a 2 inch – 60-minute rainfall event for the proposed site does not exceed existing conditions for the same event; or
- (c) Demonstrate through topographic features that water will be conveyed towards naturally occurring water features such as lakes, wetlands, creeks, or channels without impacting neighboring properties.

**SECTION 2.**

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

CITY OF GREENWOOD  
Debra J. Kind, Mayor  
Attest: Dana H. Young, City Clerk

First reading: \_\_\_\_\_, 2018  
Second reading: \_\_\_\_\_, 2018  
Publication: \_\_\_\_\_, 2018

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA AMENDING GREENWOOD ORDINANCE ZONING CODE SECTION 1140.17 REGARDING STORMWATER MANAGEMENT PERFORMANCE CRITERIA**

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

**SECTION 1.**

Greenwood ordinance code section 1140.17 Stormwater Management is amended to read:

Subd. 3. Performance Criteria. All applicable activities subject to subd 2 of this ordinance shall establish permanent stormwater management practices that convey, store, or retain stormwater runoff before discharge onto adjacent properties and public rights-of-way according to the following standards:

- (a) For alterations that do not result in exceedance of hard cover requirements, provide stormwater runoff volume reduction practice(s) on-site with capacity to retain a minimum volume equivalent to 2 inches times the net increase in impervious surface. For alterations on sites that exceed hard cover requirements, provide stormwater runoff volume reduction practice(s) on-site with capacity to retain a minimum volume equivalent to 2 inches times the net increase in impervious surface or the exceedance in impervious surface allowed, whichever is greater; or
- (b) Provide stormwater runoff management practice(s) on-site so that the peak runoff rate from a 2-inch – 60-minute rainfall event for the proposed site does not exceed existing conditions for the same event; or
- (c) Demonstrate through topographic features that water will be conveyed towards naturally occurring water features such as lakes, wetlands, creeks, or channels without impacting neighboring properties.

**SECTION 2.**

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

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: 10-03-18**

*Prepared by Dale Cooney*

**Agenda Item:** First reading of ordinance 282: revisions to section 1140.19 regarding grading regulation & restrictions

**Summary:** Based on the recommendation of the planning commission, the city council is considering revisions to its grading ordinance. The intent of the revisions would be to make the ordinance less restrictive such that standard grading requests for new houses and smaller landscaping projects would not require a conditional use permit. Since proposed grading standards would be relaxed to be comparable to those of peer cities, projects that exceed grading regulations would now have to meet a higher standard for approval via a variance request.

**Planning Commission Action:** The planning commission held a public hearing to consider the ordinance at their 09-12-18 meeting. Motion by Barta to recommend approval of the ordinance as written. Motion was seconded by Gallagher. Motion carried 3-0.

**Timeline:**

~~09-05-18~~ The city council reviews the first draft of the ordinance.

~~09-12-18~~ Planning commission holds public hearing and makes a recommendation to the city council.

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 (goes into effect 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.

11-05-18 The ordinance is published in the Sun-Sailor (goes into effect on this date).

**Council Action:** Potential motions ...

1. I move the city council (1) approve the first reading of ordinance 282 amending the city's zoning code section 1140.19 regarding grading regulation & restrictions as written; (2) waives the second reading; and (3) directs staff to submit ordinance 282 to the Sun-Sailor for publication.
2. I move the city council (1) approve the first reading of ordinance 282 amending the city's zoning code section 1140.19 regarding grading regulation & restrictions as written/as amended; and (2) directs that the ordinance be placed on the November council agenda for a 2nd reading.
3. I move the city maintain its current ordinance regulations.

*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  
SECTION 1140.19 REGARDING GRADING REGULATIONS AND RESTRICTIONS**

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

SECTION 1.

Greenwood ordinance code section 1140.19 subdivisions 3 through 6 are amended to read as follows:

Subd. 3. Grading Permit Application. ~~No land in the city may be excavated, graded, or filled in an amount that exceeds a) 50 cubic yards; or b) increases or decreases the finished grade by more than 1 foot and up to 3 feet in an area greater than 300 square feet, without grading permit approval from the city engineer and zoning administrator.~~ 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,~~
- ~~(fe) 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,~~
- ~~(f) the cubic feet of material to be disturbed, added and removed,~~
- ~~(g) 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, increase or decrease the finished grade of a property by more than 3 feet at any point and d) that the grading or site / lot topography alteration does not involve or more than 7 cubic yards of material,~~ and ~~ed) 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 variance first obtained. All other grading permit requests shall require a conditional use permit application. Any site / lot topography alteration that increases or decreases the finished grade of a property by more than 3 feet at any point requires a variance~~ pursuant to section 11505 of this code.

Subd. 4. Additional Information Required in Support of Grading ~~Conditional Use Permit Applications Variance Requests.~~ Grading ~~conditional use permits variance requests,~~ 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 variance~~ 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 variance~~ 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.~~

SECTION 4.

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

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA  
AMENDING GREENWOOD ORDINANCE ZONING CODE  
SECTION 1140.19 REGARDING GRADING REGULATIONS AND RESTRICTIONS**

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

SECTION 1.

Greenwood ordinance code section 1140.19 subdivisions 3 through 6 are amended to read as follows:

Subd. 3. Grading Permit Application. No land in the city may be excavated, graded, or filled in an amount that exceeds a) 50 cubic yards; or b) increases or decreases the finished grade by more than 1 foot and up to 3 feet in an area greater than 300 square feet, without grading permit approval from the city engineer and zoning administrator. 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 topography or structures,
- (e) 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.

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 increase or decrease the finished grade of a property by more than 3 feet at any point, and d) 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 variance first obtained. Any site / lot topography alteration that increases or decreases the finished grade of a property by more than 3 feet at any point requires a variance pursuant to section 1155 of this code.

Subd. 4. Additional Information Required in Support of Grading Variance Requests. Grading variance requests, 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 variance 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 variance 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.

SECTION 4.

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



Agenda Number: **9C**

Agenda Date: **10-03-18**

Prepared by *Deb Kind*

**Agenda Item:** 1st Reading, Ordinance 284 Updating Chapter 5 Fee Schedule

**Summary:** Attached is the draft of the fee ordinance. The draft includes fees based on the council's August and September worksession discussions in addition to a change to the rental permit fee recommended by the administrative committee (Mayor Kind and Councilman Fletcher) after reviewing staff time spent on multi-tenant housing.

**Timeline:**

- 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. Any fee changes must be done via an ordinance and must go into effect on January 1 of the following year.

**Council Action:** None required. Potential motions ...

1. I move the city council (1) approves the 1st reading of ordinance 284 amending chapter 5 fees as written / as amended; (2) waives the 2nd reading; and (3) directs the ordinance be sent to the Sun-Sailor for publication.
2. I move the city council (1) approves the 1st reading of ordinance 284 amending chapter 5 fees as written / as amended; and (2) directs the ordinance be placed on the next city council agenda for a 2nd reading.
3. 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. 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.*

ORDINANCE NO. 284

**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)	<del>\$1450</del> \$1500	Per slip, per season
Garbage / Refuse Collector License	475.20	<del>\$290</del> \$100 per year, plus proof of insurance: \$100,000 per person, \$500,000 per incident, \$100,000 property damage	
Recycling Collection Fee	475.30	<del>\$46</del> \$20	Quarterly
Rental Property License	320.30	\$50 <del>first unit, \$30 per additional</del> per unit.	Annual

SECTION 2.

The Greenwood ordinance code section 510 fee schedule is amended to add the following new fee:

Type of License, Permit, or Fee	Section	Fee	Conditions & Terms
Zoning-Related Fees:			
<del>Appeals of Alleged Error in Administration of Zoning Ord</del>	1155.05	<del>\$450 plus consultant and contract service provider expenses incurred by the city as they exceed the base fee amount.</del>	Fee is per application. If the city council finds that an error was made, all fees paid shall be returned to the applicant.

SECTION 3.

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: \_\_\_\_



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](http://www.greenwoodmn.com).

**Council Action:** None required.



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, 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 –July 11, 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 draintile 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

**GREENWOOD PLANNING COMMISSION**  
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water. He said that the stormwater outlet shows no signs of washout and that there is infiltration within the draintile. 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 draintile 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