

AGENDA

Greenwood City Council Meeting

Wednesday, January 2, 2019

20225 Cottagewood Road, Deephaven, MN 55331

*The public is invited to speak when items come up on the agenda (3-minute limit).
The public may speak regarding other items during Matters from the Floor (see below).
Hearing devices available from recording technician.*



- 7:00pm OATH OF OFFICE: Councilmember Tom Fletcher, Councilmember Rob Roy
- 7:05pm 1. CALL TO ORDER | ROLL CALL | APPROVE MEETING AGENDA
- 7:05pm 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: 12-05-18 City Council Meeting Minutes
 - B. Approve: Nov Cash Summary Report
 - C. Approve: Nov Certificates of Deposit Report
 - D. Approve: Dec Verifieds, Check Register, Electronic Fund Transfers
 - E. Approve: Jan Payroll Register
 - F. Approve: Res 42-18, Variance Findings, Michael & Colleen Kroening, 5260 Meadville St
 - G. Approve: Res 01-19, Setting City Dates for 2019
 - H. Approve: Res 02-19, City Appointments & Assignments for 2019
 - I. Approve: Res 03-19, Authorization to Send 2040 Comp Plan to Met Council
- 7:10pm 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.
- 7:15pm 4. PRESENTATIONS, REPORTS, GUESTS, AND ANNOUNCEMENTS
- A. City Engineer, Dave Martini: Potential Inflow & Infiltration Inspection Program
 - B. Announcement: Greenwood Night at the Old Log Theatre, Lend Me a Tenor, 7:30pm, Friday 01-18-19
 - C. Announcement: Mayors' Forum at the Southshore Center, 7pm, Thursday 01-24-19
- NONE 5. PUBLIC HEARINGS
- NONE 6. ACTION RELATED TO PUBLIC HEARINGS
- 7:30pm 7. PLANNING, ZONING & SUBDIVISION ITEMS
- A. Consider: Res 37-18, Variance Findings, Marcia & Jeffrey Fetters, 21200 Minnetonka Blvd
 - B. Consider: Res 04-19, Preliminary Plat Application (subdivision) Findings, Lesley J. Adam, 5155 Weeks Rd, 4940 St. Alban's Bay Rd, and 4950 St. Alban's Bay Rd
 - C. Consider: Res 05-19 Conditional Use Permit Findings and Res 06-19 Variance Findings, Roland & Rane Jacobus, 5290 Meadville St
 - D. Discuss: Conditional Use Permit Request, Todd & Amy Wilkinson, 21800 Byron Cir
 - E. Discuss: Potential Revisions to Tree Ordinance, Section 1140.80
- NONE 8. UNFINISHED BUSINESS
- 8:30pm 9. NEW BUSINESS
- A. Consider: Request to Post No-Parking Signs by Meadville Lift Station
- NONE 10. OTHER BUSINESS
- 8:45pm 11. COUNCIL REPORTS
- A. Conrad: Planning Commission
 - B. Cook: LMCD, SABLID, Public Works Committee
 - C. Fletcher: LMCC, Fire, Administrative Committee
 - D. Kind: Police, Administrative Committee, Mayors' Meetings, Website
 - E. Quam: Minnetonka Community Education, Public Works Committee
- 9:00pm 12. ADJOURNMENT

Note: Photo will be taken of the new city council



Agenda Item: Consent Agenda

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

Council Action: Required. Possible motion ...

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

MINUTES

Greenwood City Council Meeting

Wednesday, December 5, 2018

20225 Cottagewood Road, Deephaven, MN 55331



1. CALL TO ORDER | ROLL CALL | APPROVE AGENDA

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

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

Staff Members Present: City Zoning Administrator Dale Cooney

Motion by Kind to approve the agenda. Second by Quam. Motion passed 5-0.

2. CONSENT AGENDA

A. Approve: 11-07-18 City Council Meeting Minutes

B. Approve: 11-13-18 Election Canvassing Meeting Minutes

~~C. Approve: Oct Cash Summary Report~~

D. Approve: Oct Certificates of Deposit Report

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

F. Approve: Nov Payroll Register

G. Approve: Ord 285 & Summary Res 33-18, Re-establishing Section 925, Predatory Offenders

H. Approve: 2019 License Applications

Motion by Kind to move item 2C from the consent agenda to discuss under 10, move agenda item 7A to the consent agenda, and to approve the consent agenda items. Second by Quam. Motion passed 5-0.

3. MATTERS FROM THE FLOOR

None

4. PRESENTATIONS, REPORTS, GUESTS, AND ANNOUNCEMENTS

A. Presentation: Res 34-18, Resolution of Appreciation & Commendation for Councilman Bob Quam

Motion by Cook that the city council approves resolution 34-18, a resolution of appreciation and commendation for Councilman Bob Quam as written. Second by Conrad. Motion passed 5-0.

View the presentation at LMCC-TV.org.

B. Announcement: Planning Commission Term Expirations

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

5. PUBLIC HEARINGS

A. Truth in Taxation Hearing: 2019 Budget & Tax Levy

Motion by Fletcher to open the public hearing. Second by Conrad. Motion passed 5-0.

No one spoke during the public hearing.

Motion by Cook to close the public hearing. Second by Quam. Motion passed 5-0.

6. ACTION RELATED TO PUBLIC HEARINGS

A. Consider: Res 35-18, Final 2019 Tax Levy; Res 36-18, Final 2019 Budget

Motion by Fletcher that the council (1) adopts resolution 35-18 approving the 2018 tax levy in the amount of \$637,825 to be collected in 2019 and directs the city clerk to send the information to Hennepin County; and (2) adopts resolution 36-18 approving the 2019 general fund budget in the amount of \$777,463.

Second by Quam. Motion passed 5-0.

7. PLANNING & ZONING ITEMS

- A. Consider: Res 37-18, Variance Findings, Marcia & Jeffrey Fetters, 21200 Minnetonka Blvd

Motion by Quam to continue consideration of resolution 37-18 to the 01-02-19 council agenda per the written request of the applicant. Second by Cook. Motion passed 5-0.

- B. Consider: Res 38-18, Conditional Use Permit Findings, Diane Wold, 4980 Meadville St

Motion by Quam that the city council adopts resolution 38-18 laying out the findings of fact APPROVING the conditional use permit request of Diane Wold to impact 10,368 square feet of surface area and 12,280 cubic yards of volume at 4980 Meadville Street, 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 4-1 with Fletcher voting nay.

- C. Consider: Res 39-18, Simple Subdivision Findings, Kyle Hunt & Partners, 5135 and 5125 Weeks Rd

Approved as part of the consent agenda. Consent agenda motion by Kind that the the city council (1) adopts resolution 39-18 as revised by the city attorney laying out the findings of fact APPROVING the simple subdivision request of Kyle Hunt & Partners for the properties at 5135 and 5125 Weeks Road, as proposed; (2) 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 Quam. Motion passed 5-0.

- D. Consider: Res 40-18, Conditional Use Permit Findings, Cisco & Kim Skanson, 5175 Queens Cir

Motion by Kind that the city council adopts resolution 40-18 laying out the findings of fact APPROVING the conditional use permit requests of Cisco and Kim Skanson to impact 5,481 square feet of surface area and 130 cubic yards of soil volume, and to install an in-ground pool for the property at 5175 Queens Circle, as proposed. I further move that the council directs the city clerk to mail a copy of the findings to the applicant and the DNR, and place an Affidavit of Mailing for each of the mailings in the property file. Second by Quam. Motion passed 5-0.

- E. Consider: Res 41-18 & 42-18, CUP & Variance Findings, Michael & Colleen Kroening, 5260 Meadville St

David Steingas, 21500 Fairview Street, builder representative for the Kroenings presented revised plans based on feedback from the planning commission which reduces the total volume to 48,215 cubic feet (a multiplier of 6.67 x 7,234 sf lot size). In response to a question from councilman Cook, Steingas stated that they would be open to reducing the width of the front garage eave from 2 feet to 1 foot to move it further away from the front property line.

Mark Setterholm, 5250 Meadville Street, one of the neighbors adjacent to the subject property, stated that he is supportive of the project because the proposed cottage-style will fit with the neighborhood.

Colin Sievers, 5270 Meadville Street, the other neighbor adjacent to the subject property, stated that he is supportive of the project.

Motion by Kind that the city council (1) adopts resolution 41-18 laying out the findings of fact APPROVING the conditional use permit request of Michael and Colleen Kroening for 5260 Meadville Street, as proposed; (2) directs staff to revise resolution 42-18 to lay out the findings of fact APPROVING the setback, impervious surface area, and building volume variance requests per the council discussion and place on the 01-02-19 consent agenda for approval; (3) 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 Quam. Motion passed 5-0.

- F. 1st Reading: Ord 282 & Summary Res 43-18, Amending Section 1140.19, Grading

Motion by Cook that the city council (1) approves the first reading of ordinance 282 draft 11-21-18 amending the city's zoning code section 1140.19 regarding grading regulation & restrictions as written; (2) waives the second reading; (3) approves summary resolution 43-18; and (4) directs that summary resolution 43-18 be submitted to the Sun-Sailor for publication. Second by Quam. Motion passed 5-0.

G. Consider: Final Draft of 2040 Comprehensive Plan for Submission to Met Council.

Motion by Fletcher that the city council (1) approves the 10-20-18 draft of the 2040 comprehensive plan with the SWMP revisions sent to the city council via email (2) authorizes Councilman Cook and Mayor Kind to approve other updates as needed; and (3) directs staff to forward the draft to the Met Council by the 12-31-18 deadline. Second by Quam Motion passed 5-0.

8. UNFINISHED BUSINESS

A. None

9. NEW BUSINESS

A. Consider: Year-End Fund Transfers

Motion by Kind that the council (1) approves the following budgeted 2018 fund transfers:

- a. **\$12,500 from 605-49300-720 Marina Enterprise Fund Transfer Out to 101-39200 General Fund Interfund Operating Transfer In**
- b. **\$3,860 from 605-49300-721 Marina Enterprise Fund Transfer Out to 101-39201 General Fund Administrative Expense Reimbursement**
- c. **\$10,090 from 602-43200-720 Sewer Enterprise Fund Transfer Out to 101-39202 General Fund Administrative Expense Reimbursement**
- d. **\$2,573 from 502-43200-720 Stormwater Special Revenue Fund Transfer Out to 101-39203 General Fund Administrative Expense Reimbursement**
- e. **\$10,000 from 101-49000-500 General Fund Bridge Transfer to 403-39200 Bridge Capital Project Fund**

and (2) authorizes the following fund transfer to make the Road Fund whole:

\$70,000 from 101-43200-500 General Fund Transfer Out to Road Fund 404-36230

Second by Quam. Motion passed 5-0.

10. OTHER BUSINESS

2C: Consider: Oct Cash Summary Report

Motion by Fletcher to approve the October Cash Summary report now that the previous motion was approved to make the Road Fund whole. Second by Quam. Motion passed 5-0.

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

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

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

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

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

Motion by Kind to authorize up to \$2000 for the installation of a concrete pad and garbage can along the LRT trail near the Sleepy Hollow bench. Second by Quam. Motion passed 5-0.

View report at LMCC-TV.org.

E. Quam: Minnetonka Community Education, Public Works Committee

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

12. ADJOURNMENT

Motion by Kind to adjourn the meeting at 8:24pm. Second by Fletcher. Motion passed 5-0.

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

GREENWOOD CERTIFICATES OF DEPOSIT

Report Date: 11/30/18

Acct #	Bank	Date	Term	Maturity	Rate	Amount
x237	Bridgewater Bank	11/08/18	18 Month	05/05/20	2.48%	\$ 130,813.89
x238	Bridgewater Bank	05/08/18	10 Month	03/08/19	1.49%	\$ 130,978.29
x239	Bridgewater Bank	05/08/18	12 Month	05/08/19	1.74%	\$ 131,142.80
x240	Bridgewater Bank	05/08/18	16 Month	09/08/19	1.74%	\$ 131,142.80
x241	Bridgewater Bank	05/08/18	18 Month	11/08/19	2.08%	\$ 131,366.69
x242	Bridgewater Bank	05/08/18	22 Month	03/08/20	2.08%	\$ 131,366.69
TOTAL						\$ 786,811.16

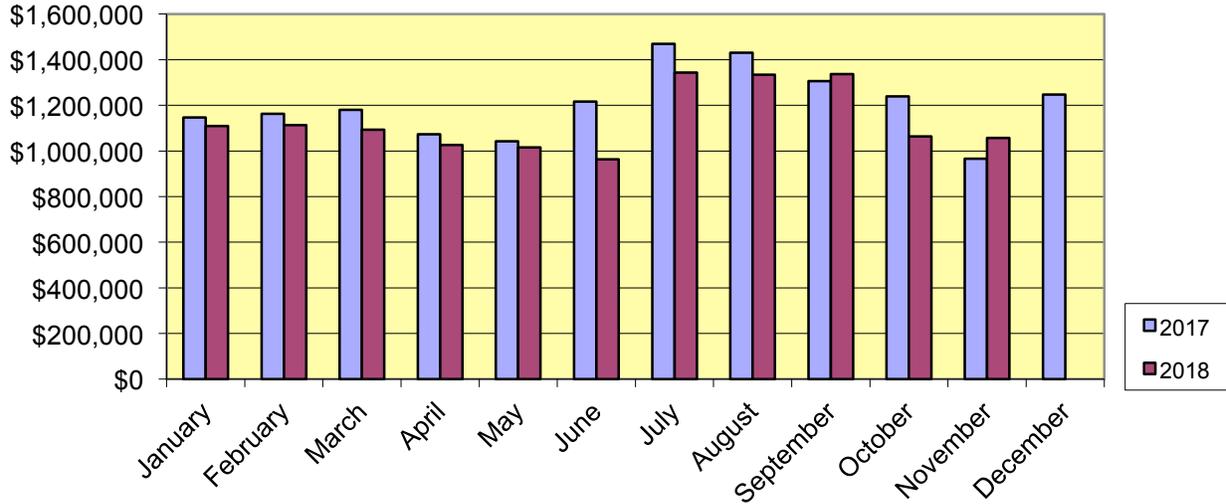
CITY COUNCIL POLICY: 09-03-14 Motion by Roy to authorize the administrative committee to open CDs with a maximum initial maturity of 25 months with a combined maximum total CD balance of \$500,000 at Alerus Bank or Bridgewater Bank. Second by Cook. Motion passed 5-0.

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.

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	\$1,336,282	\$2,051	\$29,787
October	\$1,238,961	\$1,063,710	-\$272,572	-\$175,251
November	\$965,784	\$1,056,473	-\$7,237	\$90,689
December	\$1,247,263	\$1,247,263	-\$1,056,473	-\$1,247,263

Alerus Bank Checking	\$2,764
Bridgewater Bank Checking	\$23,558
Bridgewater Bank Money Market	\$246,339
Bridgewater Bank CD's	\$783,812
<hr/>	
	\$1,056,473

ALLOCATION BY FUND

General Fund	\$371,400
Special Project Fund	\$27,800
General Fund Designated for Parks	\$14,580
Bridge Capital Project Fund	\$171,304
Road Improvement Fund	(\$15,389)
Stormwater Fund	\$28,041
Sewer Enterprise Fund	\$363,723
Marina Enterprise Fund	\$95,064
<hr/>	
	\$1,056,473

Check Issue Date(s): 12/01/2018 - 12/31/2018

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
12/18	12/05/2018	11174	879	VOID - VALLEY PAVING INC	101-20100	.00
12/18	12/05/2018	11175	879	VALLEY PAVING INC	404-20100	58,829.94
12/18	12/19/2018	11176	51	BOLTON & MENK, INC.	602-20100	5,723.00
12/18	12/19/2018	11177	762	CATALYST GRAPHICS INC	101-20100	99.00
12/18	12/19/2018	11178		Information Only Check	101-20100	.00 V
12/18	12/19/2018	11179	9	CITY OF DEEPHAVEN	101-20100	7,188.58
12/18	12/19/2018	11180	761	DEBRA KIND	101-20100	40.36
12/18	12/19/2018	11181	822	ECM PUBLISHERS INC	101-20100	380.80
12/18	12/19/2018	11182	68	GOPHER STATE ONE CALL	602-20100	21.60
12/18	12/19/2018	11183	75	HENNEPIN COUNTY TREASURER	101-20100	69.73
12/18	12/19/2018	11184	766	HENNEPIN COUNTY TREASURER	101-20100	166.23
12/18	12/19/2018	11185	898	JOHN & VERONICA LANG	001-20100	9.99
12/18	12/19/2018	11186	3	KELLY LAW OFFICES	101-20100	425.00
12/18	12/19/2018	11187	886	KENNETH N. POTTS, P.A.	101-20100	400.00
12/18	12/19/2018	11188	105	METRO COUNCIL ENVIRO SERVICES	602-20100	2,323.07
12/18	12/19/2018	11189	145	XCEL ENERGY	101-20100	426.24
Totals:						<u>76,103.54</u>

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
BOLTON & MENK, INC.					
51	BOLTON & MENK, INC.	0226504	2018 DEVELOPMENT REVIEW	11/30/2018	915.00
		0226505	2018 MISC DRAINAGE	11/30/2018	82.00
		0226506	2018 MISC ENGINEERING	11/30/2018	1,724.00
			2018 MISC ENGINEERING		90.00
		0226507	2018 SEWER IMPROVEMENTS	11/30/2018	826.00
		0226508	2018 STREET IMPROVEMENTS	11/30/2018	1,964.00
		0226509	2018 SWMP UPDATE	11/30/2018	122.00
Total BOLTON & MENK, INC.					5,723.00
CATALYST GRAPHICS INC					
762	CATALYST GRAPHICS INC	22565	CITY NEWSLETTER	12/13/2018	99.00
Total CATALYST GRAPHICS INC					99.00
CITY OF DEEPAVEN					
9	CITY OF DEEPAVEN	DEC 2018	RENT & EQUIPMENT	12/01/2018	487.45
			Postage		77.52
			COPIES		197.10
			SEWER		1,099.85
			SNOW PLOWING/SANDING/SALT		2,670.30
			WEED/TREE/MOWING		1,178.40
			PARK MAINTENANCE		98.20
			ELECTIONS		196.40
			STORM SEWERS		196.40
			ZONING		956.97
			COUNCIL DESK SIGNS		29.99
Total CITY OF DEEPAVEN					7,188.58
DEBRA KIND					
761	DEBRA KIND	12 10 18	BOB QUAM'S RECEPTION	12/10/2018	40.36
Total DEBRA KIND					40.36
ECM PUBLISHERS INC					
822	ECM PUBLISHERS INC	652578	LEGAL NOTICE	11/29/2018	59.50
		652580	LEGAL NOTICE	11/29/2018	59.50
		65259	LEGAL NOTICE	11/29/2018	59.50
		656132	LEGAL NOTICE	12/13/2018	95.20
		656133	LEGAL NOTICE	12/13/2018	107.10
Total ECM PUBLISHERS INC					380.80
GOPHER STATE ONE CALL					
68	GOPHER STATE ONE CALL	8110420	Gopher State calls	11/30/2018	21.60
Total GOPHER STATE ONE CALL					21.60
HENNEPIN COUNTY TREASURER					
75	HENNEPIN COUNTY TREASURE	11 30 18	TRUTH IN TAX NOTICES	11/30/2018	69.73
766	HENNEPIN COUNTY TREASURE	12 10 18	AUTOMARK/DS200 MNTNCE	12/10/2018	25.00
			ELECTION SUPPLIES		42.32
			POSTAGE		98.91
Total HENNEPIN COUNTY TREASURER					235.96

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
898	JOHN & VERONICA LANG	11 28 18	UB PMT REFUND	11/28/2018	9.99
Total JOHN & VERONICA LANG					9.99
KELLY LAW OFFICES					
3	KELLY LAW OFFICES	X660	GENERAL LEGAL	12/06/2018	425.00
Total KELLY LAW OFFICES					425.00
KENNETH N. POTTS, P.A.					
886	KENNETH N. POTTS, P.A.	12 01 18	PROSECUTION SVCS	12/01/2018	400.00
Total KENNETH N. POTTS, P.A.					400.00
METRO COUNCIL ENVIRO SERVICES					
105	METRO COUNCIL ENVIRO SERV	0001089843	Monthly wastewater Charge	12/04/2018	2,323.07
Total METRO COUNCIL ENVIRO SERVICES					2,323.07
VALLEY PAVING INC					
879	VALLEY PAVING INC	10 30 18	MTKA BLVD MILL & OVERLAY	10/30/2018	58,829.94
			MTKA BLVD MILL & OVERLAY		58,829.94 -
		103018	MTKA BLVD MILL & OVERLAY	10/30/2018	58,829.94
Total VALLEY PAVING INC					58,829.94
XCEL ENERGY					
145	XCEL ENERGY	11 26 18	SIREN	11/26/2018	3.92
			4925 MEADVILLE STREET *		8.80
			Sleepy Hollow Road *		8.80
			Street Lights *		404.72
Total XCEL ENERGY					426.24

Total Paid: 76,103.54

Total Unpaid: -

Grand Total: 76,103.54

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Description	GL Account	Amount
01/01/19	PC	01/01/19	1011901	CONRAD, KRISTI	39		001-10100	286.53
01/01/19	PC	01/01/19	1011902	COOK, WILLIAM B.	37		001-10100	286.53
01/01/19	PC	01/01/19	1011903	Fletcher, Thomas M	33		001-10100	186.53
01/01/19	PC	01/01/19	1011904	Kind, Debra J.	34		001-10100	429.80
01/01/19	PC	01/01/19	1011905	ROY, ROBERT J.	38		001-10100	286.53
Grand Totals:								<u>1,475.92</u>

RESOLUTION NO 42-18

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

In Re: Application of Michael and Colleen Kroening for the property at 5260 Meadville Street for a variance from Greenwood ordinance code sections 1120.15 and 1140.18 to encroach into the front yard setback, exceed the maximum permitted impervious surface area, exceed the maximum above grade building volume in order to build an attached garage with living space above.

Michael and Colleen Kroening , applicants, are the owners of property commonly known as 5260 Meadville Street, Greenwood, Minnesota 55331 (PID No. 26-117-23-33-0005) being real property in Hennepin County Minnesota and legally described as follows:

The North 50 feet of Lot 2, SOLBERGS POINT

; and

WHEREAS, application was made for variance to zoning code sections 1120.15 and 1140.18 in conjunction with building an attached garage with living space above that encroaches into the front yard setbacks, exceeds the maximum permitted impervious surface area for the property, and exceeds the maximum allowable building volume for the property; and

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

WHEREAS, public comment was taken at the public hearing before the planning commission on November 14, 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 5260 Meadville Street, Greenwood, Minnesota 55331 (PID No. 26-117-23-33-0005) is a single-family lot of record located within the R-1 district.
2. The applicants propose an attached garage with living space above that would encroach 27.6 feet into the front yard setback. The property currently hosts a one-stall, detached garage that encroaches as much as 29 feet into the front yard setback. The right-of-way is offset from the actual location of the street. In this case, the existing garage is approximately 30 feet from the edge of the paved surface.
3. The applicants propose to exceed the maximum permitted impervious surface area by 10.3%. The property is currently at 45.9% impervious area, and is nonconforming in this respect. The applicants propose to reduce the impervious area to 43.1%. The sliding scale calculation from Section 1120.15 limits the maximum impervious surface area on the property to 32.76%. The revised building and driveway footprint would be less than the existing garage driveway, and concrete apron footprint. In the case of nonconforming impervious areas, Section 1176.07.05 (Subd. 4) allows driveways to be exchanged for structural impervious surfaces.
4. The applicants propose to exceed the maximum permitted building volume by 4,811 cubic feet. The proposed addition would expand the building volume on the property from 33,521 cubic feet to 48,215 cubic feet. The cubic footage limitation for the property is 43,404. The lower level of the house is largely exposed on three sides, creating a circumstance that creates a uniquely large amount of above grade building volume relative to the house size.
5. 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.”

- 6. The applicants assert that the proposed variance request complies with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6.
- 7. The planning commission discussed the requests of Michael and Colleen Kroening and on a 5-0 vote recommended the council approve the requests to vary from city code Section 1140.15 to encroach into the front yard setback and exceed the maximum allowable impervious surface area, as proposed, for the property at 5260 Meadville Street, Greenwood, Minnesota 55331.

The proposal meets the practical difficulties standards outlined in section 1155.10(4) in that:

- (a) The variance(s), if granted, will be in harmony and keeping with the spirit and intent of the zoning ordinance since the intent of the zoning district is to provide a use zone for low-density single-family dwellings that will be exclusive of other types of use for the purpose of creating a quality semi-estate district, and the proposal is consistent with that intent.
- (b) The variance, if granted, will be consistent with the comprehensive plan’s guiding use for the subject property in that the comprehensive plan, through reasonable accommodation, encourages the maintenance and improvement of older homes consistent with the city’s variance procedures.
- (c) Though the property owner's proposed *manner of use* of the property is not permitted by the zoning ordinance without a variance, the proposed *manner of use* is reasonable because the variances reduce impervious areas and reduce the severity of the existing encroachments from the public right-of-way.
- (d) The plight of the landowner-applicant is due to circumstances unique to the property and not created by the landowner because the public right-of-way is significantly offset from the street, situating the proposed garage approximately 31 feet from the edge of the road surface. The existing garage on the property currently encroaches into the setback and the proposed setback for the attached garage is a reduction of the nonconformity. The property is currently at 45.9% impervious area, and is nonconforming in this respect, and the applicants propose to reduce the impervious surface area to 43.1%.
- (e) The variance, if granted, will not alter the essential character of the locality since the proposal is of a scope and scale comparable to other properties within the community.
- (f) The variance, if granted, will not:
 - a. Impair an adequate supply of light and air to adjacent property;
 - b. Unreasonably increase the congestion in the public street;

- c. Increase the danger of fire or endanger the public safety; or
- d. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this ordinance.

8. The planning commission, on a 5-0 vote, recommended the council deny the request of Michael and Colleen Kroening to vary from city code Section 1140.18 to exceed the maximum permitted building volume, as proposed, for the property at 5260 Meadville Street, Greenwood, Minnesota 55331.

The motion was based on the practical difficulties standards outlined in section 1155.10(4) in that:

- a) The variance, if granted, will NOT be in harmony and keeping with the spirit and intent of the zoning ordinance because the purpose of the ordinance is to encourage both new houses and expansions or alterations to existing houses to be in scale with existing homes while preserving the green space and openness of the community. While some kind of variance from the limitations of the ordinance might be justified in this case, the proposed scale of the addition is not in keeping with the spirit and intent of the ordinance.
- b) The variance, if granted, will be consistent with the comprehensive plan which encourages, through reasonable accommodation, the maintenance and improvement of existing homes consistent with our variance procedures.
- c) Though the property owner's proposed *manner of use* of the property is not permitted by the zoning ordinance without a variance, the proposed *manner of use* is NOT reasonable because: it greatly expands the nonconforming volume of the house and the encroachment area. While some level of encroachment might be reasonable in this situation based on the existing nonconformity, the scale of the proposed expansion does not attempt to work within reasonable constraints.
- d) The plight of the landowner-applicant is NOT due to circumstances unique to the property and IS created by the landowner because: the house is currently served by a tuck-under garage and a detached garage. Creating an at-grade garage with living space above might be a reasonable upgrade for the property, but the property is already served by an attached and a detached garage. The applicant has not demonstrated why the existing configuration is untenable and unique enough to require the additional nonconforming volume and encroachment.
- e) The variance, if granted, WILL alter the essential character of the locality, because: the proposed expansion would create significant additional structural encroachment and exceed the create excessive building volume relative to the small lot size.
- 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.

9. Based on the foregoing, the city council finds that the request to vary from city code Section 1120.15 to encroach into the front yard setback and exceed the maximum permitted impervious surface area; and to vary from city code Section 1140.18 to exceed the maximum allowable building volume for the proposed attached garage with living space above meets the practical difficulties standards outlined in section 1155.10(4) in that:

- (a) The variance(s), if granted, will be in harmony and keeping with the spirit and intent of the zoning ordinance since the intent of the zoning district is to provide a use zone for low-density single-family dwellings that will be exclusive of other types of use for the purpose of creating a quality semi-estate district, and the proposal is consistent with that intent.
- (b) The variance, if granted, will be consistent with the comprehensive plan's guiding use for the subject property in that the comprehensive plan, through reasonable accommodation, encourages the maintenance and improvement of older homes consistent with the city's variance procedures.
- (c) Though the property owner's proposed *manner of use* of the property is not permitted by the zoning ordinance without a variance, the proposed *manner of use* is reasonable because the variances reduce impervious areas and reduce the severity of the existing encroachments from the public right-of-way. The variance to exceed the maximum permitted building volume is reasonable given the scale of the expansion and the volume limitations due to the small property size. The expansion is attempting to work within the given constraints of the existing house and property.

- (d) The plight of the landowner-applicant is due to circumstances unique to the property and not created by the landowner because the public right-of-way is significantly offset from the street, situating the proposed garage approximately 31 feet from the edge of the road surface. The existing garage on the property currently encroaches into the setback and the proposed setback for the attached garage is a reduction of the nonconformity. The property is currently at 45.9% impervious area, and is nonconforming in this respect, and the applicants propose to reduce the impervious surface area to 43.1%. The lower level of the house is largely exposed on three sides, creating a circumstance that creates a uniquely large amount of above grade building volume relative to the house size.
- (e) The variance, if granted, will not alter the essential character of the locality since the proposal is of a scope and scale comparable to other properties within the community.
- (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.

CONCLUSIONS OF LAW

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

The applicant has made an adequate demonstration of facts meeting the standards of section 1155.10 necessary for the grant of variances from Section 1120.15 Subd. 2(c) and Section 1140.18 and therefore:

- A. A variance from section 1120.15 to construct an attached garage with living space above that encroaches 27.6 feet into the minimum required front yard setback and exceeds the maximum permitted impervious surface area by 10.3% should be **APPROVED**.
- B. A variance to section 1140.18 of the ordinance to exceed the maximum allowable building volume by 4,811 cubic feet for the property at 5260 Meadville Street should be **APPROVED**.

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

That the application of Michael and Colleen Kroening for the property at 5260 Meadville Street, Greenwood, Minnesota 55331 for:

- A. A variance from section 1120.15 to construct an attached garage with living space above that encroaches 27.6 feet into the minimum required front yard setback and exceeds the maximum permitted impervious surface area by 10.3% is **APPROVED**.
- B. A variance to section 1140.18 of the ordinance to exceed the maximum allowable building volume by 4,811 cubic feet for the property at 5260 Meadville Street is **APPROVED**.

PASSED this 2nd day of January, 2019 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

Resolution 01-19

City of Greenwood Dates for 2019

Be it resolved that the city council of the city of Greenwood, Minnesota approves the following dates for variance / conditional use permit / subdivision applications, publication of notices, planning commission meetings, and city council meetings:

Application Deadline	Sun Sailor Publish Date	Planning Commission Public Hearing	Council Packet Submission Deadline	Council Packet Posted Online	City Council Meeting
Wed (4 weeks before PC meeting)	Thu (13 days before PC meeting)	7pm, 2nd Wednesday	Fri (12 days before CC meeting)	Sun (10 days before CC meeting)	7pm, 1st Wednesday
			December 21, 2018	December 23, 2018	January 2, 2019
December 12, 2018	December 27, 2018	January 9, 2019	January 25, 2019	January 27, 2019	February 6, 2019
January 16, 2019	January 31, 2019	February 13, 2019	February 22, 2019	February 24, 2019	March 6, 2019
February 13, 2019	February 28, 2019	March 13, 2019	March 22, 2019	March 24, 2019	April 3, 2019
March 13, 2019	March 28, 2019	April 10, 2019	April 19, 2019	April 21, 2019	May 1, 2019
April 10, 2019	April 25, 2019	May 8, 2019	May 24, 2019	May 26, 2019	June 5, 2019
May 15, 2019	May 30, 2019	June 12, 2019	June 22, 2018	June 23, 2019	July 9, 2019 Tue
June 12, 2019	June 27, 2019	July 10, 2019	July 26, 2019	July 28, 2019	August 7, 2019
July 17, 2019	August 1, 2019	August 14, 2019	August 23, 2019	August 25, 2019	September 4, 2019
August 14, 2019	August 29, 2019	September 11, 2019	September 20, 2019	September 22, 2019	October 2, 2019
September 11, 2019	September 26, 2019	October 9, 2019	October 25, 2019	October 27, 2019	November 6, 2019
October 16, 2019	October 31, 2019	November 13, 2019	November 22, 2019	November 24, 2019	December 4, 2019
November 13, 2019	November 28, 2019	December 11, 2019	December 21, 2019	December 22, 2019	January 2, 2020 Thu
December 11, 2019	December 26, 2019	January 8, 2020	January 24, 2020	January 26, 2020	February 5, 2020

All meetings are held in the Deephaven council chambers, 20225 Cottagewood Road, Deephaven, MN 55331. Dates may change due to lack of quorums.

Be it resolved that the city council of the city of Greenwood, Minnesota approves the following additional dates:

	Date	Time	Notes
Joint Worksession	February 13, 2019	8pm	2nd Wed in Feb
Pre-Board Worksession with Assessors	March 6, 2019	6pm	Before March council meeting
Local Board of Appeal & Equalization Meeting	April 11, 2019	6pm	2nd Thursday in April
Subsequent LBAE Meeting	April 25, 2019	6pm	4th Thursday in April
Spring Clean-Up Day	May 25, 2019	8am	3rd Saturday in May
Worksession: Budget & Fees	August 7, 2019	6pm	Before August council meeting
Worksession: Budget & Fees	September 4, 2019	6pm	Before September council meeting
Fall Sales Ratio Meeting with Assessors	October 31, 2019	4pm	Last Thur in Oct or 1st Thur in Nov
Budget Public Comment Opportunity	December 4, 2019	7pm	During December council meeting

ADOPTED by the city council of the city of Greenwood, Minnesota, this 2nd day of January 2019.

There were ___ AYES and ___ NAYS.

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana H. Young, City Clerk

Resolution 02-19 – City of Greenwood 2019 Appointments & Assignments

Be it resolved that the city council of Greenwood, Minnesota approves the following appointments and assignments for 01-02-19 through 01-01-20.

OFFICE & DESIGNATIONS	2018 HOLDER	2019 HOLDER
Administrative Committee	Deb Kind, Tom Fletcher	Deb Kind, Tom Fletcher
Accountant	CliftonLarsonAllen	CliftonLarsonAllen
Animal Enforcement Officer	South Lake Police Department	South Lake Police Department
Assessor	Hennepin County	Hennepin County
Attorney	Mark Kelly, Bob Vose (alternate)	Mark Kelly, Bob Vose (alternate)
Attorney - Conduit Financing Projects	Jennifer Hanson	Jennifer Hanson
Attorney - Prosecutor	Ken Potts	Ken Potts
Bank Signatures	Kind, Fletcher, Courtney	Kind, Fletcher, Courtney
Building Official	Lenny Rutledge (City of Minnetonka)	Lenny Rutledge (City of Minnetonka)
Clerk	Dana Young	Dana Young
Depositories	Bridgewater Bank, Allerus Bank	Bridgewater Bank, Allerus Bank
Engineer	Bolton & Menk (Dave Martini)	Bolton & Menk (Dave Martini)
Fire Board Representative – 4th Wednesdays (Jan, Mar, May, Jul, Sep, Nov)	Tom Fletcher, Bob Quam (alt.) Bill Cook (2nd alt.)	Tom Fletcher, Rob Roy (alt.) Bill Cook (2nd alt.)
Forester / Certified Tree Inspector	Manuel Jordan	Manuel Jordan
Lake Minnetonka Communications Commission (LMCC) Representative - 2 reps (1 elected official), meets 2nd Thursdays (Feb, Apr, May, Jul, Aug, Oct, Dec)	Tom Fletcher, Deb Kind	Tom Fletcher, Deb Kind
Lake Minnetonka Conservation District (LMCD) Rep - 2nd & 4th Wednesdays	Bill Cook (3yr term expires 1/31/20)	Bill Cook (3yr term expires 1/31/20)
Marina Clerk	Dana Young	Dana Young
Mayor Pro-Tem	Bob Quam	Tom Fletcher
Minnetonka Community Education (MCE) Advisory Council Representative - meets 5 Mondays (Jan, Mar, May, Oct, Nov)	Bob Quam	Rob Roy
Newspapers	Sun-Sailor Finance & Commerce (alternate) Star Tribune (alternate)	Sun-Sailor Finance & Commerce (alternate) Star Tribune (alternate)
Planning Commissioners and City Council Liaison – 3rd Wednesdays	A-1 Dean Barta (6/18-3/20)	A-1 Dean Barta (6/18-3/20)
	A-2 David Steingas (10/16-3/20)	A-2 David Steingas (10/16-3/20)
	A-3 Kelsey Nelson (11/18-3/20)	A-3 Kelsey Nelson (11/18-3/20)
	B-1 Pat Lucking (2/01-3/19)	B-1 Pat Lucking (2/01-3/19)
	B-2 Jennifer Gallagher (9/16-3/19)	B-2 Jennifer Gallagher (9/16-3/19)
	Alt-1 Vacant (___-3/20)	Alt-1 Vacant (___-3/20)
	Alt-2 Vacant (___-3/19)	Alt-2 Vacant (___-3/19)
	Alt-3 Kristi Conrad (council liaison)	Alt-3 Kristi Conrad (council liaison)
Public Safety City Administrator Representative (police and fire)	Dana Young	Dana Young
Public Works Committee (roads, sewer, stormwater, etc.)	Bob Quam, Bill Cook	Deb Kind, Bill Cook
Responsible Authority (Govt. Data Practices Act)	Dana Young	Dana Young
St. Alban's Bay Lake Improvement District Ex-Officio Director	Bill Cook	Bill Cook
South Lake Minnetonka Police Department (SLMPD) Coordinating Committee Representative (must be mayor, meets quarterly)	Deb Kind, Bob Quam (alt.)	Deb Kind, Tom Fletcher (alt.)
Treasurer	Mary Courtney	Mary Courtney
Utility Billing Clerk	Deborah Hicks	Deborah Hicks
Weed Inspector (must be mayor), Assistant Weed Inspector	Deb Kind, John Menzel (assistant)	Deb Kind, John Menzel (assistant)
Zoning Administrator	Dale Cooney	Dale Cooney

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF GREENWOOD, MINNESOTA that any and all commissioners, appointees, representatives, delegates, or other non-elected officials of the city shall hold their official status or membership on a basis subject to resolution, subject to reconsideration, and / or removal at the insistence of the city council. This resolution is enacted pursuant to the codes of the city.

ADOPTED by the city council of the city of Greenwood, Minnesota this 2nd day of January, 2019.

There were ___ AYES and ___ NAYS.

By: _____
Debra J. Kind, Mayor, City of Greenwood

Attest: _____
Dana H. Young, City Clerk, City of Greenwood



**City of Greenwood
Resolution 03-19**

A RESOLUTION AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF GREENWOOD AND AUTHORIZING SUBMITTAL THE METROPOLITAN COUNCIL

WHEREAS, the City of Greenwood has amended the Comprehensive Plan in accordance with the requirements of the Metropolitan Land Planning Act and Metropolitan Council; and

WHEREAS, a public hearing has been held in accordance with Minnesota Statutes, Section 462.352 to review, comment and adopt amendments to the Comprehensive Plan; and

WHEREAS, in accordance with Minnesota Statutes, Section 473.858, Subd. 2, the City of Greenwood has submitted the plan to adjacent and affected jurisdictions for review and comment at least six months prior to submission of the plan to the Metropolitan Council.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Greenwood, that the Comprehensive Plan is hereby adopted and approved for submission to the Metropolitan Council for comment and approval.

ADOPTED by the city council of Greenwood, Minnesota this 2nd day of January, 2019.

__ AYES __ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana H. Young, City Clerk



Agenda Number: 4A

Agenda Date: 01-02-19

Prepared by Deb Kind

Agenda Item: City Engineer Dave Martini: Potential Inflow & Infiltration Inspection Program

Summary: The city engineer will attend the 01-02-19 city council meeting to discuss his attached letter regarding a potential inflow and infiltration inspection program.

For the city council's reference, below are fund balances as of 11-30-18. These funds may be used for any city purpose.

\$363,723 *Sewer Enterprise Fund* (interfund transfer OUT code 602-43200-720, I/I capital outlay code 602-43200-530).

\$28,041 *Stormwater Fund* (interfund transfer OUT code _____)

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

\$4,000 *2019 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 84% 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 ???



Real People. Real Solutions.

2638 Shadow Lane
Suite 200
Chaska, MN 55318-1172

Ph: (952) 448-8838
Fax: (952) 448-8805
Bolton-Menk.com

December 20, 2018

City of Greenwood
Attn: Dana Young
20225 Cottagewood Road

RE: Sanitary Sewer I & I Summary

Honorable Mayor and City Council:

Over the past several years, the City has engaged in several activities to maintain its sanitary sewer system and to identify and correct sources of inflow and infiltration. It has also applied for and received grant money from the Metropolitan Council to help offset the costs related to this work. A summary of the work that has been performed since 2012 is as follows:

2012

- Cleaning and televising

2013

- Sealing open joints and cracks in mainline pipes
- Sealing joints and cracks in sewer manholes
- Installing short section liners in mainline pipes
- Replacing manhole top sections
- Raising manhole tops above low-lying areas
- Implementation of sump pump certification program

2015

- Smoke testing to identify illegal connections to the sewer system

2016

- Raising lift station lids above low-lying areas
- Met Council surcharge requirements were satisfied

2017

- Applied for and received current bi-annual I & I Grant Funding

2019

- The City is currently enrolled in the Met Council I & I Grant program and has an obligation to spent \$50,840 before November 1, 2019, of which the City will be reimbursed \$25,420.
- The proposed scope for improvements to be completed in 2019 includes manhole and lift station sealing along with locating and raising manholes that have been buried.

Sump Pump Inspections

Since significant sources of inflow and infiltration can be located on private property, it is our understanding that the City is considering a sump pump inspection program. The discharge of clear water into the sanitary sewer system is a violation of the City Code. Therefore, it is appropriate for the City to inspect connections in basements to ensure that existing sump pump pits are properly connected to discharge outside of the building. Every house, building, and business in the City should be inspected with the goal of removing clear water connections from the sanitary sewer system.

Since the City is currently committed to a specific scope of work to fulfill its obligations for the Met Council I & I Grant Program, the costs associated with a sump pump inspection program are not eligible for cost sharing now. Therefore, it is recommended that the City wait until it is approved for a new grant before implementing the program. We anticipate that the City will be eligible for funding again in 2019. With that said, we anticipate the following work plan to assist the City with this program when it is implemented:

Work Plan

To initiate the program, a notification will be sent out to let property owners know about the inspection program. After the initial notification, Bolton & Menk will begin by going door to door. These door to door inspections are the quickest and most cost-effective way to inspect many buildings in a short time. Buildings with a correctly installed system will be issued a "passed inspection" document. Buildings that receive a "failed inspection" notice will be given a specified time, as established by the City Council, to correct the issue and schedule a new inspection.

At properties where the owner is not available when the inspector stops by, a door hanger notice will be left with a number to call to make an appointment for the inspection. Appointments will be scheduled for weekdays and/or Saturdays as necessary. To ensure compliance, we recommend that the City require that inspections be scheduled within a specified period and that the City consider a surcharge fee for properties that fail to schedule an inspection. All buildings should be inspected even if there is not a sump pump or sump pit.

Based on utility records, the City has approximately 320 properties that will need to be inspected. Assuming, on average, inspections can be completed at a rate of 3 per hour, we anticipate a fee of approximately \$15,000 to \$20,000 to perform the inspections and manage the program. However, it should be noted, that the fee can vary based on the cooperation of property owners and how efficiently inspections can be grouped together. To make the scheduling and management of the program more manageable, we recommend that the City inspect one sewer district at a time (See attached map).

Please let me know if you have questions or need additional information.

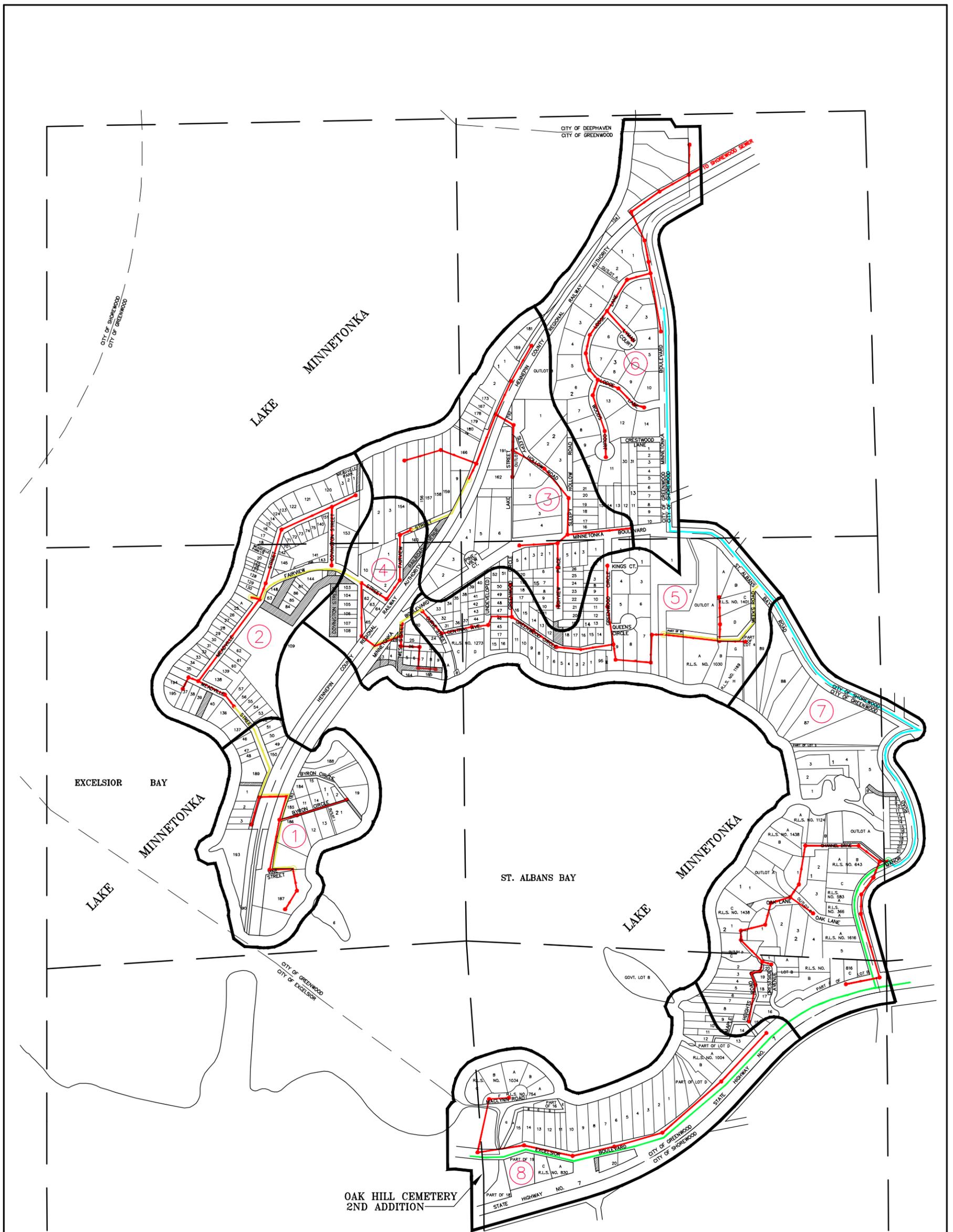
Sincerely,

Bolton & Menk, Inc.



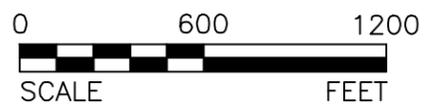
David P. Martini

Principal Engineer



LEGEND

-  GREENWOOD SANITARY SEWER
-  GREENWOOD FORCEMAIN
-  SHOREWOOD SANITARY SEWER
-  MCES TRUNK FACILITIES
-  SANITARY SEWER DISTRICT
-  SANITARY SEWER DISTRICT NUMBER





Agenda Number: **7A**

Agenda Date: **01-02-19**

Prepared by Dale Cooney & Deb Kind

Agenda Item: Consider: Res 37-18, Findings for Variance Request, Marcia and Jeffrey Fetters, 21200 Minnetonka Blvd.

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 on 09-12-18:

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.

City Council Action on 10-03-18:

Motion by Fletcher that 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 because the applicants request that we hold off and give them a bit more time to look at engineering and review their plans. Second by Conrad. Motion passed 3-0.

City Council Action on 12-05-18:

Motion by Quam to continue consideration of resolution 37-18 to the 01-02-19 council agenda per the written request of the applicant. Second by Cook. Motion passed 5-0.

Update: The Fetters have installed a stormwater management system. The city engineer reviewed the as-built plans, inspected the site, and determined that the applicant meets / exceeds the city code requirements for the stormwater management system. Once the property owner records a maintenance agreement with the county, all city code requirements will be met to secure a certificate of occupancy. As of the January council packet deadline, the Fetters have not withdrawn their variance application.

Key Dates:

Application complete:	August 20, 2018
Notice of Public Hearing published:	August 30, 2018
Planning Commission Public Hearing:	September 12, 2018
City Council Consideration:	October 3, 2018
60-Day Deadline:	October 19, 2018
120-Day Deadline:	December 18, 2018
Delayed Deadline Per Applicant's Request:	January 2, 2019

Council Action: The city council must take action by 01-02-19 unless the applicant withdraws their application or requests an extension in writing. Suggested motions ...

1. I move the city council adopts resolution 37-18 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. Other motion ???

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

RESOLUTION NO 37-18

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

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.

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 __ day of ____, 2019 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: 01-02-19

Prepared by Dale Cooney

Agenda Item: Consider: Res 04-19, Findings for preliminary plat subdivision request, Lesley J. Adam, consultant for the homeowners at 5155 Weeks Road, 4940 St. Albans Bay Road, and 4950 St. Albans Bay Road.

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 11-29-18. The planning commission held a public hearing at their 12-12-18, 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 600.00 simple subdivision criteria as well as any conditions in the motion.

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

Key Dates:

Application complete:	November 15, 2018
Notice of Public Hearing published:	November 29, 2018
Planning Commission Public Hearing:	December 12, 2018
City Council Decision:	January 2, 2019
120- Day Deadline:	March 15, 2019

City Council Action: Final action required by March 15, 2019. Potential motions...

1. I move the city council adopts resolution 04-19 laying out the findings of fact **APPROVING** the preliminary plat subdivision request of Lesley J. Adam to reconfigure the property lines for the properties at 5155 Weeks Road, 4940 St. Albans Bay Road, and 4950 St. Albans Bay Road, as presented. I further move that the council directs the city clerk to mail a copy of the findings to the applicant and the DNR, and place an Affidavit of Mailing for each of the mailings in the property file.
2. I move the city council directs staff to draft **FINDINGS FOR DENIAL** of the preliminary plat subdivision request of Lesley J. Adam to reconfigure the property lines for the properties at 5155 Weeks Road, 4940 St. Albans Bay Road, and 4950 St. Albans Bay Road, to be considered at the February 6, 2019 city council meeting.
3. Other motion ...



Agenda Item: Consider preliminary plat application (subdivision) request of Lesley J. Adam, consultant for the homeowners, to reconfigure the property lines for the properties at 5155 Weeks Road, 4940 St. Albans Bay Road, and 4950 St. Albans Bay Road.

Summary: Lesley J. Adam is working with the property owners to reconfigure the property lines for the properties at 5155 Weeks Road, 4940 St. Albans Bay Road, and 4950 St. Albans Bay Road. No additional lots are proposed as a part of this request. Subdivisions are regulated by Chapter 6 of the city code, and the proposal will be required to go through the platting process with a public hearing by the planning commission at the preliminary plat phase.

Zoning Compliance:

The proposed lot line reconfiguration is within the R-1 zoning district. The applicant has submitted a survey with the proposed lot reconfiguration. See attached aerial image for existing conditions. Essentially, the property at 4940 St. Albans Bay Road (the Dunn property) would be eliminating its lake access and transferring that portion of their property to 4950 St. Albans Bay Road (the Wetterlin/Inman property). The Wetterlin/Inman property would be transferring its existing lake access to the Frauenshuh property at 5155 Weeks Road. The proposed subdivision would not create or intensify any nonconformities.

	Existing Lot Area (sf)	Proposed Lot Area (sf)	Lot Width	Proposed Impervious Surface Area	Front Setback	Side Setbacks (ft)	Lake Setback
Required	15,000	--	75	30%	30	15	50'
4940 St. Albans Bay Road	110,698	74,407	245 (street)	17.1%	>30	107.2(W) / 14.9 (E)*	N/A(43.2 rear)
4950 St. Albans Bay Road	63,179	80,960	47.5 (lake)	15.3%	45	>15 (W) / 12.3* (E)	>50
5155 Weeks Road	32,196	50,235	158 (lake)	18.5	>30	>15 (W) / 1.3* (E)	89

*Existing legal nonconformity not impacted by subdivision.

Lot Size and Shape:

Per the subdivision code: "At least 2 sides of all lots shall each be at least 100 feet in length. Lots shall be at least 100 feet wide abutting either the street or the lake. Lot lines shall not be drawn in irregular shapes for the purpose of circumventing this requirement." 4950 St. Albans Bay Road (the Wetterlin/Inman property) is currently nonconforming at the street and the lake and will remain so. The remaining two properties conform to the lot standards. (Note that this code requirement is different from, and exceeds the minimum lot width requirement of the zoning code.) The lots exceed lot depth requirements. The property at 4940 St. Albans Bay Road (the Dunn property) is currently nonconforming for lakeshore, with only 47.5 feet. That nonconformity will be eliminated as part of this proposal. The property at 4950 St. Albans Bay Road (the Wetterlin/Inman property) is also currently nonconforming for lakeshore, with only 47.5 feet. The lot line reconfiguration will maintain the nonconformity, albeit with a different piece of land.

Access:

Subdivision code requires that "All lots shall abut on a publicly dedicated or private street." Proposed lots would meet this requirement.

Impervious Area: As proposed, all properties are within the required 30% impervious surface area limitation. No hardcover expansion is currently proposed.

Structures and nonconformities: The proposed subdivision would eliminate the west side yard setback nonconformity for 5155 Weeks Road. Both 4950 St. Albans Bay Road (the Wetterlin/Inman property) and 5155 Weeks Road (the Frauenshuh property) have a legal nonconforming east side yard setbacks which are not impacted by the subdivision proposal. There is also a legal nonconforming shed at 4940 St. Albans Bay Road (the Dunn property) that encroaches into the lake yard setback that is not impacted by the subdivision proposal.

Trees and Grading: No tree removal or grading alteration is proposed.

Easements: Various drainage and utility easements for the current properties will remain in place until such time as those easements are vacated. While there is no requirement that the easements be vacated prior to lot line reconfiguration, staff would recommend that this be addressed in the near future as such easements can be problematic for the future sale or construction on the property.

Park Dedication:

Park dedication land or fees are typically required during the subdivision process when additional lots are created that would generate additional demands on the city's park system and the fee or dedication must bear a rough proportionality to the need created by the proposed subdivision or development. Since no additional lots are being created, park dedication fees do not apply in this particular application.

Variances and Exceptions:

As with administering the zoning code, the city may also permit variances as part of the subdivision standards. Section 600.35. of the Subdivision chapter states: *"Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this ordinance, the city council shall, upon an affirmative vote of at least 3/5 of the total membership of such council, have the power to vary the requirements of this ordinance in harmony with the general purpose and intent hereof, so that the public health, safety and general welfare may be secured and substantial justice done."*

Review Process:

Preliminary Plat: State law requires action within 120 days of a Preliminary Plat application. Much like other zoning applications, the Planning Commission must hold a public hearing and make a recommendation to the City Council.

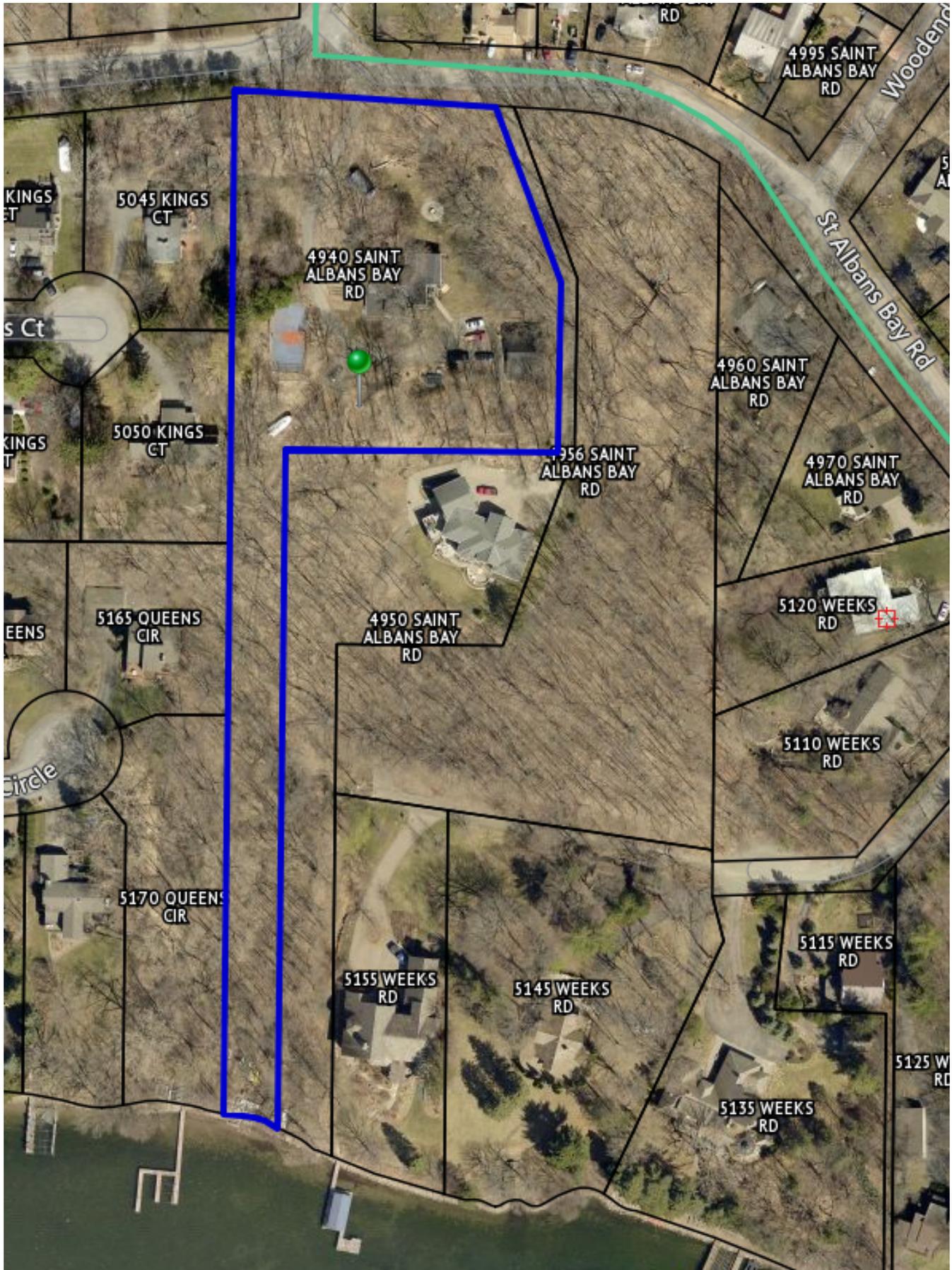
Final Plat: Applicant must apply for Final Plat within 6 months of Preliminary Plat approval. Action must be taken within 60 days of a Final Plat application. No public hearing is required, and the Planning Commission does not review the application for Final Plat. The city must approve the Final Plat if all conditions of the Preliminary Plat have been met.

Staff Recommendation: Staff recommends **approval** of the preliminary plat for 5155 Weeks Road, 4940 St. Albans Bay Road, and 4950 St. Albans Bay Road since, apart from the existing nonconforming lot standards, the proposal conforms with the design standards of Section 600.20 and the lot requirements of Sections 1120.10. The application proposes to redraw existing property lines and no new lots are proposed. One lakeshore flag lot and one side yard setback nonconformity will be eliminated as a part of this proposal. Additionally, no new nonconformities will be created or expanded as a result of the lot line reconfiguration.

Key Dates:

Application complete:	November 15, 2018
Notice of Public Hearing published:	November 29, 2018
Planning Commission Public Hearing:	December 12, 2018
City Council Decision:	January 2, 2019
120- Day Deadline:	March 15, 2019

Current Lot Configuration at 5155 Weeks Road, 4940 St. Albans Bay Road, and 4950 St. Albans Bay Road



November 15, 2018

Mr. Dale Cooney
Zoning Coordinator
City of Greenwood
20225 Cottagewood Road
Deephaven, MN 55331
dalec@mediacombb.net

Via Electronic Mail and Hand Delivery

Re: Application for Preliminary Re-Plat

5155 Weeks Road, Greenwood, MN 55331
4940 St. Albans Bay Road, Greenwood, MN 55331
4950 St. Albans Bay Road, Greenwood, MN 55331

Dear Mr. Cooney:

Enclosed in connection with the above-referenced properties, please find the following:

- Application for Preliminary Re-Plat (Generic Form Application);
- Three (3) 11x7 copies of the Preliminary Re-Plat; and
- Check in the amount of \$500.00 made payable to the City of Greenwood for the application fee.

I understand that this Preliminary Re-Plat application will be heard at the December 12, 2018 Planning Commission meeting and the January 2, 2019 City Council meeting. If approved, a Final Re-Plat application will be heard at the February 6, 2019 City Council meeting.

Thank you for your time and attention to this important matter. Should you have any questions, comments or revisions to the Preliminary Re-Plat, please contact me and we will be certain to address them immediately.

Sincerely,



Lesley J. Adam
Attorney for Matthew D. Frauenshuh

.....
Direct: +1.952.460.9862 | **Cell:** +1.952.232.8549
E-mail: ladam@77development.com

.....
7101 W 78th Street | Minneapolis, MN 55439

Enclosures

Generic Application Form

(this form is not a permit or license)



Person completing form: Property Owner Business Manager Builder Other: Attorney for Property Owner

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

Use this form if a specific form does not exist for the permit or license desired.

Date form completed	November 14, 2018
Applicant (first name, full middle name, last name)	Lesley J. Adam
Property address	5155 Weeks Road, Greenwood, MN 55331 4940 St. Albans Bay Road, Greenwood, MN 55331 4950 St. Albans Bay Road, Greenwood, MN 55331
Mailing address (if different than property address)	7101 W. 78 th Street, Minneapolis, MN 55439
Cell phone	952-232-8549
Email address	ladam@77development.com
MN license number (if applicable)	

Type of permit / license desired: Application for Preliminary Re-Plat

Please attach a narrative description or drawing to this application cover sheet.

The undersigned hereby makes this application for the above listed permit / license and acknowledges the following:

- I certify information submitted on this form is true and correct to the best of my knowledge. I understand that giving false information on this application constitutes cause for the immediate revocation of any permit / license issued hereunder.
- I am familiar with the provisions of the applicable Greenwood ordinance(s) for this application agree to operate in accordance with the code book of ordinances of the city of Greenwood (available for viewing at city hall and at www.greenwoodmn.com), and with the laws of the state of Minnesota.

The permit / license fee is non-refundable and must be submitted at the time of application. Fees are listed in chapter 5, section 510 of the city code book available for viewing at city hall or at www.greenwoodmn.com.

Signature of applicant  Date: 11/15/2018

For Office Use Only	Approved By:	Fee Paid: <input type="checkbox"/> Cash <input type="checkbox"/> Check	Amount \$	Approval Date:
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Form Updated 06.02.15

NARRATIVE

Re: Application for Preliminary Re-Plat

Property

**Owners: Matthew D. Frauenshuh, as Trustee of the
Matthew David Frauenshuh Revocable Trust dated December 29, 2011
5155 Weeks Road
Greenwood, MN 55331**

**John E. Dunn and Bridgette E. Dunn
4940 St. Albans Bay Road
Greenwood, MN 55331**

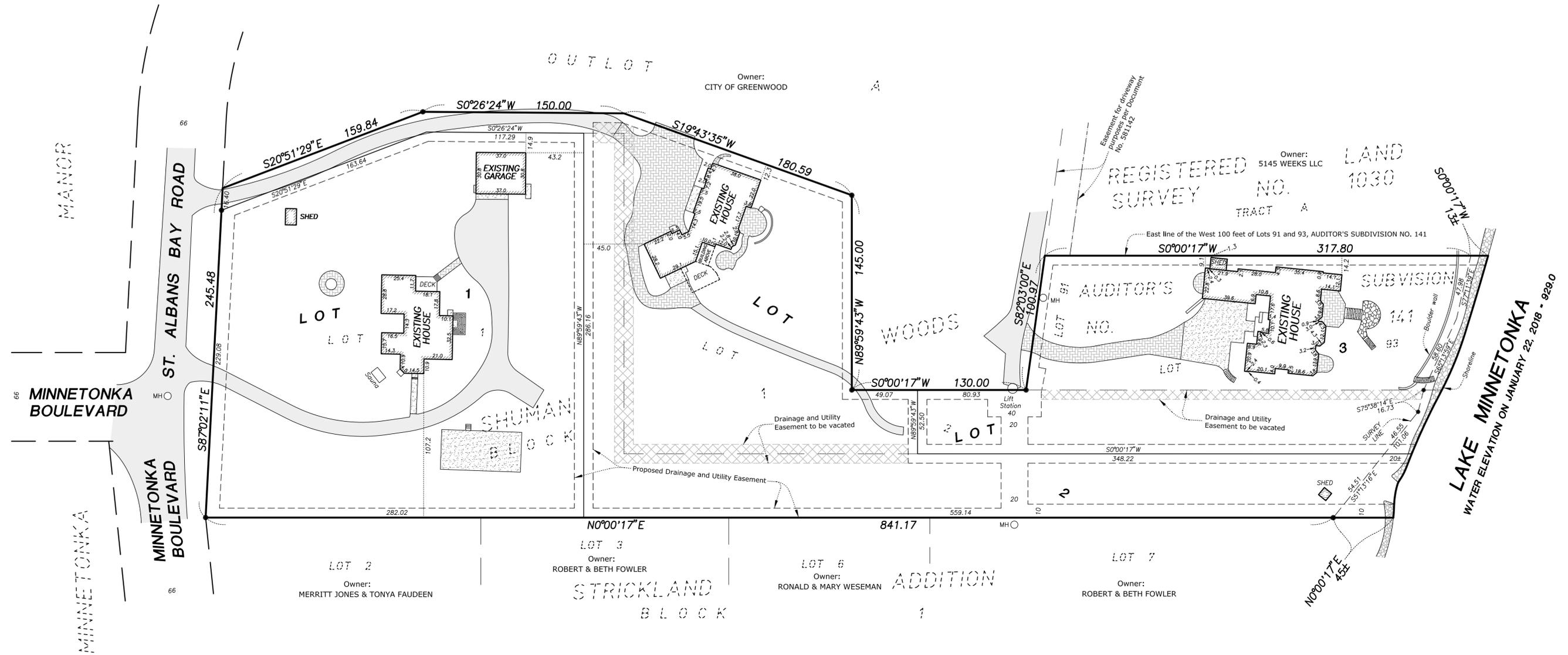
**Daniel Wetterlin and Mona Inman
4950 St. Albans Bay Road
Greenwood, MN 55331**

The above-named Property Owners respectfully request the City of Greenwood Planning Commission and Council consider and approve their Application for Preliminary Re-Plat as submitted herewith.

The Property Owners are requesting a new plat which redraws the interior property lines between the properties. Specifically, a portion of the property located at 4940 St. Albans Bay Road will be conveyed to the property located at 4950 St. Albans Bay Road, and a portion of the property located at 4950 St. Albans Bay Road will be conveyed to 5155 Weeks Road.

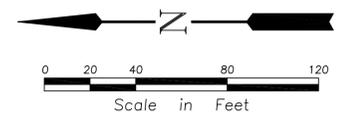
No new parcels of land will result from the re-plat.

Preliminary Plat of: FRAUENSHUH THIRD ADDITION



NOTES

- * Bearings shown are based on the plat of SHUMAN WOODS.
- * Contact Gopher State One Call for utility locations before any construction shall begin. Phone 651-454-0002.
- * Areas: Total = 205,600± square feet (4.72 acres).
 Lot 1 = 74,407 square feet (1.71 acres).
 Lot 2 = 80,960± square feet (1.86 acres).
 Lot 3 = 50,235± square feet (1.15 acres).
- * Impervious surface areas: Lot 1 = 12,740 square feet.
 Lot 2 = 12,378 square feet.
 Lot 3 = 9,312 square feet.



LEGEND

- Iron Monument Found
- MH○ Manhole
- ▨ Concrete Surface
- ▩ Bituminous Surface
- ▤ Boulder Wall
- ▧ Stone Patio
- ▨ Brick Paver Surface

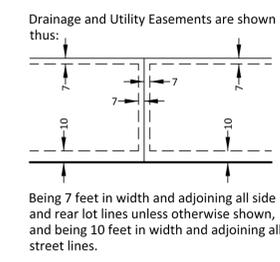
PROPERTY DESCRIPTION

Lots 1 and 2, Block 1, SHUMAN WOODS, Hennepin County, Minnesota, and the West 100 feet of Lots 91 and 93, AUDITOR'S SUBDIVISION NO. 141, Hennepin County, Minnesota.

I hereby certify that this preliminary plat was prepared by me or under my direction and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota. Dated this 14th day of November, 2018

REHDER & ASSOCIATES, INC.

Gary C. Huber
 Gary C. Huber, Land Surveyor
 Minnesota License No. 22036



OWNERS

John and Bridgette Dunn
 4940 St. Albans Bay Road
 Greenwood, Minnesota 55331
 Phone: 952-200-2501

Daniel Wetterlin and Mona Jean Inman
 4950 St. Albans Bay Road
 Greenwood, Minnesota 55331
 Phone: 612-867-1769

Matthew Frauenshuh
 5155 Weeks Road
 Greenwood, Minnesota 55331
 Phone: 952-460-9862

SURVEYOR

Rehder & Associates, Inc.
 3440 Federal Drive
 Suite 110
 Eagan, Minnesota 55122
 Phone: 651-337-6726
 Attention: Greg Gentz

Rehder and Associates, Inc.

CIVIL ENGINEERS AND LAND SURVEYORS
 3440 Federal Drive • Suite 110 • Eagan, Minnesota • Phone (651) 452-5051

JOB: 184-3031.010

RESOLUTION NO 04-19

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

APPROVING

IN RE: The application of Lesley J. Adam for approval of a Preliminary Plat pursuant to Greenwood ordinance code chapter 6 to reconfigure the property lines of the properties commonly known as 4940 St. Albans Bay Road, Greenwood, Minnesota 55331 (PID No. 26-117-23-41-0048), 4950 St. Albans Bay Road, Greenwood, Minnesota 55331 (PID No. 26-117-23-41-0049), and 5155 Weeks Road, Greenwood, Minnesota 55331 (PID No. 26-117-23-41-0009).

RECITALS

WHEREAS, Applicant Lesley J. Adam (hereinafter 'Applicant') represents John and Bridgette Dunn, Daniel Wetterlin and Mona Jean Inman, and the Matthew D Frauenshuh Trust, the respective owners of real property commonly known as 4940 St. Albans Bay Road, Greenwood, Minnesota 55331 (PID No. 26-117-23-41-0048), 4950 St. Albans Bay Road, Greenwood, Minnesota 55331 (PID No. 26-117-23-41-0049), and 5155 Weeks Road, Greenwood, Minnesota 55331 (PID No. 26-117-23-41-0009), respectively.

WHEREAS, Applicant has submitted an application for a Preliminary Plat for the above-named properties; and

WHEREAS, the real property at 4940 St. Albans Bay Road is legally described as follows:

LOT 1, SHUMAN WOODS, HENNEPIN COUNTY, MINNESOTA. (hereinafter "Lot 1")

; and

WHEREAS, the real property at 4950 St. Albans Bay Road is legally described as follows:

LOT 2, SHUMAN WOODS, HENNEPIN COUNTY, MINNESOTA. (hereinafter "Lot 2")

; and

WHEREAS, the real property at 5155 Weeks Road is legally described as follows:

THE WEST 100 FEET OF LOTS 91 AND 93, AUDITOR'S SUBDIVISION NO. 141, HENNEPIN COUNTY, MINNESOTA. (hereinafter "Lot 3")

; and

WHEREAS, Applicant has legal authority to act on behalf of the above-named owners and make the application for a preliminary plat to reconfigure the property lines of Lot 1, Lot 2 and Lot 3; and

WHEREAS, notice of a public hearing was published, and a public hearing was held before the city council to consider the application; and

WHEREAS, public comment was taken at the public hearing before the planning commission on December 12, 2018; and

WHEREAS, the city council of the city of Greenwood has received the staff report, and considered the application, the comments of the applicant and the comments of the public.

NOW, THEREFORE, the city council of the city of Greenwood, Minnesota does hereby make the following:

FINDINGS OF FACT

1. The foregoing Recitals are adopted as if set out here at in full.

2. That Lot 1, the real property commonly known as 4940 St. Albans Bay Road, Greenwood, Minnesota 55331 (PID No. 26-117-23-41-0048), and Lot 2, the real property commonly known as 4950 St. Albans Bay Road, Greenwood, Minnesota 55331 (PID No. 26-117-23-41-0049), and Lot 3, the real property commonly known as 5155 Weeks Road, Greenwood, Minnesota 55331 (PID No. 26-117-23-41-0009), are lots of record located within the Greenwood R-1 district.
3. In conformance with the requirements of Greenwood ordinance code chapter 6, the Applicant has submitted an application for Preliminary Plat in order to reconfigure the properties.
4. The survey submitted by the Applicant, (attached hereto as Exhibit A), illustrates the locations and dimensions of the proposed reconfigured property boundaries. Said survey also illustrates the existing improvements, setbacks, and hardcover for the property.
5. At its public hearing, the Planning Commission discussed the request and, on a 3-0 vote, and found that the request complies with the criteria in Greenwood ordinance code and recommended approval of the Preliminary Plat request upon the following findings, to-wit:
 - (a) The properties meet the minimum lot size and setback requirements for the zoning district as outlined in Section 1120.05;
 - (b) The proposed subdivision would not create or intensify any nonconformities;
 - (c) The proposed subdivision would eliminate the lake yard flag lot nonconformity for Lot 1;
 - (d) The proposed subdivision would eliminate the west side yard setback nonconformity for Lot 3.
 - (e) The proposed subdivision will not negatively impact the public health, safety and general welfare.
6. The city council agrees with and adopts the above findings of the Planning Commission.

CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the city council makes the following conclusions of law:

The Applicant has made an adequate demonstration of facts for a subdivision meeting the standards of section 600.10 necessary for granting approval of a Preliminary Plat. Now therefore:

1. The Preliminary Plat application to reconfigure the property lines of Lot 1, Lot 2, and Lot 3, being the properties commonly known as 4940 St. Albans Bay Road, 4950 St. Albans Bay Road, and 5155 Weeks Road, Greenwood, Minnesota should be approved.

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Greenwood, Minnesota:

That the application of Lesley J. Adam for:

1. Preliminary Plat to reconfigure the property lines of Lot 1, Lot 2, and Lot 3 pursuant to Greenwood ordinance code section 600.10 as shown in the survey Exhibit A attached hereto, is APPROVED.

PASSED this 2nd day of January, 2019 by the city council of the city of Greenwood, Minnesota.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana Young, City Clerk



Agenda Number: **7C**

Agenda Date: **01-02-19**

Prepared by Dale Cooney

Agenda Item: Consider Res 05-19, Findings for Conditional Use Permit Request and Res 06-19, Findings for Variance Request, Roland and Rane Jacobus for 5290 Meadville Street.

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 11-29-18. The planning commission held a public hearing at their 12-12-18, 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 1155.20 variance criteria, and 1150.20 conditional use permit criteria as well as any conditions in the motion.

Planning Commission Action: Motion by Steingas to recommend approval of the CUP and variance requests based on the recommendation and findings of staff. Motion was seconded by Nelson. Motion carried 3-0.

Note: At the planning commission meeting there was a discussion regarding the garage that is located in the city ROW. Staff consulted with attorney Bob Vose. Here is his opinion regarding the garage ...

This is not the same as a legal nonconformity (grandfathering). Grandfathering allows a use or structure remain even though it is in violation of an applicable zoning restriction where the use or structure was initiated or constructed before the zoning restriction was enacted. But the use or structure must be lawful when it was initiated or constructed.

Assuming the public right of way pre-dates the garages, it was not legal to construct garages in the ROW when the construction occurred. It doesn't matter whether the City's ordinances say that explicitly because there is a state statute prohibiting construction of improvements in ROW. So the garage was unlawful when built. Moreover, the restriction at issue is NOT a zoning restriction. Rather it's the City's property interest in the ROW. A ROW easement (whether platted or created by easement instrument) is an easement in favor of the public. Grandfathering does not allow one party (the garage owner) to encroach on another party's (the City/public's) property interests.

So for both reasons, there is no grandfathering argument. That said, the City could allow reconstruction of the garages in the ROW by partially vacating or by entering some type of agreement permitting the encroachment. Or the City could require that the garages be moved.

The city council is not being asked to take action regarding the garage at this time.

Key Dates:

Application complete:	November 15, 2018
Notice of Public Hearing published:	November 29, 2018
Planning Commission Public Hearing:	December 12, 2018
City Council Consideration:	January 2, 2019
60-Day Deadline:	January 14, 2019
120-Day Deadline:	March 15, 2019

Council Action: The city council must take action by 01-14-19 unless the council decides to exercise the city's option to take another 60 days to consider the request. Possible motions ...

1. I move the city council adopts resolution 05-19 laying out the findings of fact **APPROVING** the conditional use permit request of Roland and Rane Jacobus for 5290 Meadville Street, as proposed. I further move that the city council adopts resolution 06-19 laying out the findings of fact **APPROVING** the setback variance requests of Roland and Rane Jacobus for 5290 Meadville Street, as proposed. I further move the council directs the city clerk to mail a copy of the findings to the applicant and the DNR, and place an Affidavit of Mailing for each of the mailings in the property file.
2. I move the city council directs staff to draft **FINDINGS FOR DENIAL** of the conditional use permit and variance requests of Roland and Rane Jacobus, 5290 Meadville Street, to be considered at the February 6, 2019 city council meeting. I further move the city council directs city staff to exercise the city's option to take 60 additional days to process the conditional use permit 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 Roland and Rane Jacobus, 5290 Meadville Street, by mailing written notice and placing an Affidavit of Mailing in the property file. The written notice shall state the reason for the extension is: _____.

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



Agenda Item: Consider variance and conditional use permit request of Roland and Rane Jacobus to encroach into the north and side yard setbacks, exceed the maximum permitted tree removal, and regrade portions of the property in conjunction with the construction of a new house at 5290 Meadville Street.

Summary: Roland and Rane Jacobus are attempting to purchase 5290 Meadville Street and would like to build a new house on the property. They are seeking city approval for their proposal prior to finalizing the sale of the property. The existing property is nonconforming in several ways, and the proposal attempts to reduce or eliminate many of those nonconformities. The 6,080 square foot property is 40-foot wide.

Setbacks:

Section 1120.15 of the Greenwood Zoning Code requires a side yard setbacks of 8 feet for the 40 foot wide lot. Applicants are proposing side yard setbacks of 3.8 feet on the south side and 3.9 feet on the north side. The existing house has a south side yard setback of 2.9 feet and a north side yard setback of 2 feet.

The proposed house is 30 feet wide for the main portion of the house, with a 2 foot bumpout on the north side. Most of the house on the north side would have a setback of 5.8 feet or more. The south side yard faces a commercial property. In both cases the setbacks are improved from existing conditions. Meeting the city setback requirements would limit the house width to 24 feet wide, which would not meet the minimum house width requirements. So, some type of variance is required to build a zoning code compliant house on the property.

The overall footprint of the house is comparable to existing conditions. The property owners' intent is that the new house would have a footprint similar to that of the existing house plus the gazebo. An existing deck that encroaches into the commercial property to the south is proposed to be removed. The nonconforming lake yard gazebo and deck will also be removed.

The updated survey shows a rear yard setback of 49.8 feet. Staff would recommend that this be revised to meet the required 50 feet or that a variance be approved for the .2 foot encroachment.

Grading:

The proposed grading changes exceed the City's Conditional Use Permit threshold. Section 1140.19 (2) of the City Zoning Code requires a conditional use permit for any the grading or site/lot topography alteration request that increases or decreases the average grade (existing compared to final conditions) by more than 1 foot in any 300 square foot area. The applicant is proposing to impact 648 square feet of surface area and 100 cubic yards of volume.

The two main areas of grade alteration included eliminating a lower level walkout entry, and regrading the lake yard. The lower level walkout entry will be filled in as a part of the grading proposal.

The lake yard grading would even out the grade in the area that is now a gazebo and patio. The remaining lake yard would be evened out with two tiers of retaining walls. A portion of this lake yard sits below the gazebo and supported through old, potentially unstable retaining walls.

The grading proposal is at least partially necessitated by the removal of significant lakeyard nonconformities. In staff's opinion, the proposal meets the standards required for approval of the conditional use permit.

Trees: This winter, the applicant will be removing buckthorn and two trees within the lake yard of the property. One tree is significant and one tree is not significant.

Additionally, tree removal anticipated by construction would exceed the city's threshold of removing 20% of the total diameter inches for the property. The applicant would need to apply for a variance from the city's tree removal requirements at a future date before the remaining trees could be removed.

Garage:

The existing detached garage encroaches into the public right-of-way. To construct a new house on the property, the garage would need to come down and be replaced. The garage is in poor condition anyways.

The portion of the garage that encroaches into the public right-of-way is not protected as a legal nonconformity. However, there are at least two other garages in this area that also encroach into the right-of-way. The city could allow reconstruction of the garage in the ROW by partially vacating or by entering some type of agreement permitting the encroachment. Or the City could require that the garage be moved.

The city should address the issue of possibly vacating a portion of the street or requiring an encroachment agreement for the rebuilt garage. Any relocation or expansion of the garage would likely require a variance, and the suitability and placement of the garage would be addressed at that time.

Impervious Surface Area:

A significant reduction in impervious surfaces is proposed for the property. The zoning code limits the impervious area for a property of this size to 33.9%. The property is currently at 49.4% impervious, which excludes areas that encroach into the public right-of-way and the neighboring commercial property. As proposed, the impervious areas would be reduced to 32.4%, which is zoning code compliant. (Note that retaining walls should not be included in the impervious surface calculation.) The impervious areas that are directed towards the street will be reduced from existing conditions.

Building Volume:

The proposed house would have an above grade building volume of 20,346 cubic feet. Maximum allowable building volume for the property is 36,480 cubic feet.

Discussion: The city council has spent the last couple of years revising its residential ordinance in an attempt to help accommodate small lots to more easily meet city zoning standards. Part of the intent of the ordinance was to eliminate uncertainty for property owners as to what might be able to be accomplished on smaller city lots. However, the intent was not to eliminate the potential for variances.

In the opinion of staff, the proposed house and grading eliminate a number of accumulated nonconformities on the property while also proposing a relatively modest house on a small, narrow lake property. The proposal does not meet every aspect of the revised residential zoning code, but clearly meets the practical difficulty standards and greatly improves upon existing conditions in nearly every aspect. For these reasons, staff is supportive of the variance and CUP requests.

Staff Recommendation for Variance Request:

Staff recommends approval of the variance request of Roland and Rane Jacobus for a variance to encroach into the south side yard setback by 4.2 feet, and into the north side yard setback by 4.1 feet in order to build a new house at 5290 Meadville Street, as proposed. The recommendation is subject to the condition that the rear yard setback be adjusted .2 feet to meet the 50 foot lake yard setback requirement.

- a) The variance, if granted, will be in harmony and keeping with the spirit and intent of the zoning ordinance because the purpose of the ordinance is to provide a use zone for low-density single-family dwellings that will be exclusive of other types of use for the purpose of creating a quality semi-estate district. The proposed expansion is consistent with that purpose and is a modest house on a challenging, undersized property.
- b) The variance, if granted, will be consistent with the comprehensive plan which encourages, safe, healthy, and quality housing that respects the natural environment of the community.
- c) Though the property owner's proposed *manner of use* of the property is not permitted by the zoning ordinance without a variance, the proposed *manner of use* is reasonable because: it maintains the single family nature of the property while improving upon the existing nonconforming conditions. The narrow lot creates challenges to meeting the setback standards and the building width standards.
- d) The plight of the landowner-applicant is due to circumstances unique to the property and not created by the landowner because: the buildable area on the property is limited due to the 40 foot lot width and the overall size of the lot.
- e) The variance, if granted, will not alter the essential character of the locality, because: the proposed house is a modest change from existing conditions and would remain consistent with the scope and scale of the surrounding properties.
- f) The variance, if granted, will not:

- i. Impair an adequate supply of light and air to adjacent property;
- ii. Unreasonably increase the congestion in the public street;
- iii. Increase the danger of fire or endanger the public safety; or
- iv. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this ordinance.

Staff Recommendation for Conditional Use Permit Request:

Staff recommends approval of the conditional use permit request of Roland and Rane Jacobus for 5290 Meadville Street to impact 648 square feet of surface area and 100 cubic yards of volume in order to regrade the lake yard portion of the property, as proposed. Staff findings based on the CUP review criteria found in city code section 1155.20:

- a) The proposed use will comply with the regulations specified for the R-1 zoning district.
- b) The use is one of the conditional uses permitted for the R-1 zoning district.
- c) The use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city.
- d) The proposed use will be harmonious with the objective(s) of the comp plan, particularly the objective of: Maintaining the overall pattern of drainage from the property and not increasing stormwater runoff.
- e) The use will not be hazardous or disturbing to existing or future neighboring uses.
- f) The use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, sewer, schools, or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
- g) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- h) The use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
 - a. The use will have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
 - b. The use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
 - c. The use will not depreciate surrounding property values.

And subject to the following conditions:

- A. Applicants will comply with the recommendations of the city engineer.
- B. The applicant shall apply for a variance from the city's tree removal requirements at a future date before trees in excess of 20% of the diameter inches could be removed from the property.



Variance Application

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

Date application submitted	11/14/18
Date application complete (office use only)	
Property address	5290 Meadville Street, Greenwood, MN. 55331
Property identification number (PID)	26-117-23-33-0008
Property owner's current mailing address	8622 French Curve, Eden Prairie, MN. 55347
Names of all property owners	Roland and Rane Jacobus - purchase contingent on acceptance of variance
Cell phone and email of property owner(s)	612-750-1522
Name of builder / architect (if any)	Todd Francis, 3D Construction
Company name of builder / architect	3D Construction
Cell phone and email of builder / architect	952-220-2137
Company address	8830 Deer Ridge Lane, Bloomington, MN 55438
Present use of property	Single Family Residential - Non-Conforming
Property acreage	0.14
Existing variances or conditional use permits	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes – please attach a copy
Request is for	<input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Addition <input type="checkbox"/> Remodel <input checked="" type="checkbox"/> Replace
The variance(s) are being requested to (e.g. build a garden shed)	New home construction and garage replacement

Requested variance(s):

	Required*	Proposed	Difference
<input checked="" type="checkbox"/> Side Yard (feet)	8	4	4
<input type="checkbox"/> Front Yard (feet)			
<input type="checkbox"/> Rear Yard (feet)			
<input type="checkbox"/> Lake Setback (feet)			
<input type="checkbox"/> Building Height (feet)			
<input type="checkbox"/> Structure Height (feet)			
<input type="checkbox"/> Wetland Setback (feet)			
<input type="checkbox"/> Bluff Setback (feet)			
<input type="checkbox"/> Maximum Above Grade Building Volume (cubic feet)			
<input checked="" type="checkbox"/> Hardcover (percentage)	30	35.7	5.7
<input type="checkbox"/> Other:			

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

Making your case for the grant of a variance

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

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

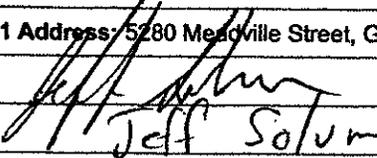
Establishing a "practical difficulty"

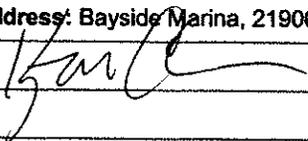
Please respond to each of the following questions. If you are unable to establish a "practical difficulty," please consider alternatives to your construction plans that may remove the need for a variance.

<p>Is the variance in harmony with the purposes and intent of the ordinance?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: The proposed variance request reduces the grandfathered 36' wide foundation under Section 1145 to 30', alleviates a grandfathered walkout, reduces grandfathered impervious cover, creates more light/air flow/drainage with adjacent property, corrects lakeshore erosion, gets rid of dead and noxious vegetation, deletes unsightly decking/structures and restores with natural landscape. The new property will reduce current hardship on neighbors and will have a positive impact on Solberg Point's character.</p>
<p>Is the variance consistent with the comprehensive plan?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: We are confident that our proposed variance request is consistent with the relevant goals and policies in the City's Comprehensive Housing and Land Use Plan. Page 9 -- "Properties will likely be improved through repair, renovation, or demolition and reconstruction". Page 14-16 -- Housing Goals #1, Housing Policies #1 & #2, Land Use Goals #1, Land Use Policies #1. Our proposed plan will significantly enhance the property.</p>
<p>Does the proposal put the property to use in a reasonable manner?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: The variance proposal maintains the property as a single family residence. It will bring the property closer to conformance by narrowing foundation and decreasing impervious cover. We get rid of current hard cover that falls on adjacent commercial property, alleviating need for existing license agreement between current owner and Bayside. We create better light/air flow/drainage on both sides of property, and replace hard cover areas on lakeshore with natural landscape.</p>
<p>Are there unique circumstances to the property not created by the landowner?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: The City changed the land from R-1 to Non-Conforming. Section 1145 grandfathers in the existing 35x35 9" foundation on a 40' wide lot. This creates a hardship for renovating or constructing a modern home on the property that addresses current issues. We propose a different foundation that is the same size, but changes shape to alleviate several issues with neighbors on both sides.</p>
<p>Will the variance alter the essential character of the locality?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: The proposed variance will not alter the essential character, it will actually enhance it, and bring it in step with the rest of the development occurring all along the strip of lakeshore between Excelsior and Carson Bay.</p>
<p>Will the variance impair an adequate supply of light and air to adjacent property?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: Because we are decreasing the width of the foundation by 5', we will actually increase light, air flow, drainage and privacy for both homes.</p>
<p>Will the variance unreasonably increase the congestion in the public street?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: My husband and I will be the only full-time residents of the home. We own two cars that will be housed in the garage. Our kids are grown and live out-of-state, so they will only be occasional visitors. The property is located at the dead end of the Meadville private street, so there should be no congestion concerns.</p>
<p>Will the variance increase the danger of fire or endanger the public safety?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: The proposed variance request will significantly decrease the risk of fire and safety hazards. The existing structures are 75 years old and have had minimal updates. There is a failing foundation, roof and foundation water leakage, possible asbestos, radon, lead-based paint, original well. The lakeshore and dock have unsafe structures and dead/noxious vegetation.</p>
<p>Will the variance unreasonably diminish or impair established property values within the neighborhood?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: The proposed variance request will enhance established property values on Solberg's Point, and will support the price the real estate market is presently demanding for properties in the area. In speaking with other newer and existing owners along Solberg's Point, it has been shared that several will be requesting to upgrade/change their existing properties over the next few years.</p>

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

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

Neighbor #1 Address: 5280 Meadowville Street, Greenwood, MN. 55331	
Signature: 	Date: 11/5/2018
Print Name: Jeff Sotum	

Neighbor #2 Address: Bayside Marina, 21900 Minnetonka Blvd, Excelsior, MN. 55331	
Signature: 	Date: 11/15/18
Print Name:	

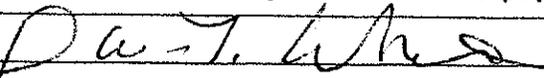
The undersigned contacted the following regulatory bodies and will seek approvals if required:

- (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: 	Date: 11/4/18
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Property owner's acknowledgement and signature: The undersigned is the fee title owner of the page 1 described property. I acknowledge and agree to this application and further authorize reasonable entry onto the property by city staff, consultants, agents, planning commission members, and city council members for purposes of investigation and verification of this request.

Signature: 	Date: 11/5/18
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Note: If the property owner is different than the applicant, signatures from both the applicant and the property owner are required.

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

For Office Use Only	Fee Paid: <input type="checkbox"/> Cash <input type="checkbox"/> Check #:	Amount \$
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Conditional Use Permit Application

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

Date application submitted	11/14/18
Date application complete (office use only)	
Property address	5290 Meadville St.
Property identification number (PID)	26-117-23-33-008
Property owner's current mailing address	8622 French Curve, Eden Prairie, MN. 55347
Names of all property owners	Roland + Rancee Jacobs - purchase cont- on acceptance
Cell phone and email of property owner(s)	612-750-1522 Rancee Jacobs @ gmail - com
Name of builder / architect (if any)	Todd Francis / 3D Const.
Company name of builder / architect	3D Const.
Cell phone and email of builder / architect	952-220-2137
Company address	8830 Deer Ridge Ln, Bloomington, MN 55438
Present use of property	Single Family Res
Property acreage	.14
Existing variances or conditional use permits	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes - please attach a copy
Request is for	<input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Addition <input type="checkbox"/> Remodel <input type="checkbox"/> Replace <input type="checkbox"/> Other:
The CUP is being requested to (e.g. install a swimming pool)	New home const. + garage replacement

Making your case for the grant of a conditional use permit: The planning commission shall make findings and recommendations to the city council. The council may then authorize a conditional use by resolution provided the evidence presented complies with the city conditional use permits ordinance section 1150 (view at city hall or at www.greenwoodmn.com). The council may impose such conditions and safeguards upon the premises benefited by a conditional use permit as may be necessary to maintain compatibility with other properties in the neighborhood. Examples of conditions include, but are not limited to: controlling size and location of use, regulating ingress and egress, controlling traffic flow, regulating off-street parking and loading areas, location of utilities, berming, fencing, screening, landscaping, restricting hours of operation, controlling noise, controlling lighting, controlling odors, and compatibility of appearance. Violation of such conditions and safeguards, when made part of the terms under which the conditional use permit is granted, shall be deemed a violation of this ordinance and punishable under section 1180 et seq.

Please answer each of the below questions:

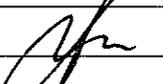
Will the proposed use comply with the regulations specified in the ordinance for the district in which the proposed use is to be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: Reducing hand cover
Is the proposed use one of the conditional uses permitted for the district in which it is to be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: Relocating home
Will the proposed use be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: will be putting more distance between Residences
Will the proposed use be harmonious with the objectives of the comp plan?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: updating Res.
Will the proposed use be hazardous or disturbing to existing or future neighboring uses?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: moving home away from neighbors

Will the proposed use be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, sewer, schools?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: moving home to middle of lot
Will the proposed use create excessive additional requirements at public cost for public facilities and services or be detrimental to the economic welfare of the community?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: Rebuilding single family home
Will the proposed use involve activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: will be single family home
Will the proposed use have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: single family home
Will the proposed use result in the destruction, loss or damage of a natural, scenic or historic feature of major importance?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: moving home to middle of lot
Will the proposed use unreasonably depreciate surrounding property values?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: will increase values

The applicant(s) contacted the following regulatory bodies and will seek approvals if required:

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

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

Signature: 	Date: 11/14/18
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Property owner's acknowledgement and signature: The undersigned is the fee title owner of the page 1 described property. I acknowledge and agree to this application and further authorize reasonable entry onto the property by city staff, consultants, agents, planning commission members, and city council members for purposes of investigation and verification of this request.

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

Conditional Use Permit Fee (nonrefundable)	\$400
Shoreland Management Review Fee (nonrefundable)	\$200
Total Amount Due (make check payable to the City of Greenwood)	\$600

For Office Use Only	Fee Paid: <input type="checkbox"/> Cash <input type="checkbox"/> Check #:	Amount \$
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Permit #	FORM #5 Return this document to City Hall
Receipt #	

Building Volume Compliance Form

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

Property Owner(s)	
Property Address	5290 Meadowlark St., Greenwood, MN 55331

Person completing this form: Property Owner Builder / Architect

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

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

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

The "above grade building volume" calculation for the property is:	20,346
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Sworn Statement: The undersigned hereby submits this "sworn statement" that the "above grade building volume" calculation is prepared in conformance with the provisions of code section 1140.18. In the event of inaccuracies, misstatements, incomplete information, or errors in the application and/or supporting materials, the city may issue stop work orders, or delay action on applications pending receipt of corrected or additional information. The undersigned assumes all risk of loss or expenses caused by any such deficiency, delay, or structural changes required to cause the structure to come into code compliance.

Signature		Date: 11/14/18
Print Name	Todd Francis	

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

Signature		Date:
Print Name		

Form Updated 10-27-14



Permit #	FORM #8 Return this document to City Hall
Receipt #	

Grading Permit Application

This form becomes a "permit" when city staff issues a permit number. If you prefer to complete this form electronically, it is available at www.greenwoodmn.com.

Property Owner(s)	Roland + Renee Jacobs - purchase cont. on accept. of variance
Property Address	5290 Meadville St.

Person completing this form: Grading Contractor Property Owner Builder / Architect
 This sheet is accompanied by a **Building Permit Application (Form #1)**: Yes (skip to section 2) No (complete section 1)

SECTION 1

Date Application Submitted	11/14/18
Property Owner's Mailing Address	8622 French Curve, Eden Prairie, MN 55347
Property Owner's Phone Number	612-750-1522
Property Owner's Email	Renee.Jacobs@gmail.com
Contractor or Builder / Architect Name	3D Construction, LLC
Contractor or Builder / Architect Address	8830 Deer Ridge Lane, Bloomington, MN 55438
Contractor or Builder / Architect Phone	952-220-2137
Contractor or Builder / Architect Email	Todd.3dconstruction@gmail.com

SECTION 2

Total surface area to be moved, disturbed, cut, or filled (square feet)	648
Total volume of soil or earth to be moved, disturbed, cut, or filled (cubic feet)	100 yds
Estimated start date	5/1/19

Work is required for: Remodeling of an existing structure Construction of a new structure Other:

Work is 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: Yes No

The average elevation of the land will increase / decrease by:

Less than 1ft 1ft or more in a 100+ sq ft area (city engineer approval required)

The proposal will involve grading involving a 200+ sq ft area, and 7 cubic yards of material (conditional use permit required)

Per code section 1140.19 subd 3, the following items must submitted with this application:

(1) Survey (2) Stormwater Management Plan prepared by a civil engineer

The undersigned hereby submits this application (including a survey and Stormwater Management Plan) for a grading permit and certifies the information provided on this permit application is true and correct to the best of my knowledge. The property owner(s) listed above are the sole fee title owner(s) of the described property; information provided on this application and submitted documents is true, complete and accurate; if the application is approved, the work will be in accordance with the application and city code section 1140.19 (view at www.greenwoodmn.com or at city hall).

Signature		Date: 11/14/18
Print Name	Todd Francis	

This section completed if grading is NOT in conjunction with a building permit:

For Office Use Only	Fee Amount \$	Fee Paid: <input type="checkbox"/> Cash <input type="checkbox"/> Check #	Date Pmt Received:
----------------------------	---------------	--	--------------------

Form Updated 07-03-17

Dale Cooney

From: Bob Bean <Robert.Bean@bolton-menk.com>
Sent: Wednesday, December 05, 2018 9:04 AM
To: Dale Cooney
Subject: RE: 5290 Meadville Street

Dale,

I have completed review of the information submitted. Following are my comments for City consideration:

1. Existing drainage patterns will be maintained with the proposed improvements. Runoff from the east side of the lot will continue to drain toward Meadville Street, and the west side will continue to drain directly to Lake Minnetonka. Swales are proposed along side lot lines to direct runoff away from adjacent structures.
2. Swale grading should be confirmed in the field by the City prior to site restoration to ensure swales are graded as proposed.
3. Work in public right-of-way should be coordinated with the City. Contractor must provide City with 48 hour notice prior to any work in right-of-way.
4. Extents of removals within public right-of-way should be coordinated with the City prior to any demolition. Bituminous pavement should be saw-cut for clean match lines.
5. The existing driveway and sidewalk should be completely removed within public right-of-way. Any green area to be re-vegetated in the right-of-way should be restored with sod.
6. Perimeter erosion control measures should be installed by the Contractor and inspected by the City prior to any other work, including demolition. Contractor must provide minimum 24 hour notice prior to inspection.
7. Erosion control blanket should be installed on steep slopes and swales during site restoration to limit potential for erosion.
8. Retaining walls 4' or greater in height must be designed by a licensed Professional Engineer. Wall plans should be provided for review and approval prior to their installation.
9. Contractor must exercise care during construction to not block traffic on Meadville Street. Clear drive lanes must be maintained at all times.
10. The applicant will be required to obtain a Minnehaha Creek Watershed District permit for the proposed improvements. A copy of the permit should be provided to the City conditional to final approval.

If you have any questions or comments, please contact me to discuss.

Thanks,

Robert E Bean Jr. P.E.
Water Resources Project Engineer
Bolton & Menk, Inc.
2638 Shadow Lane
Suite 200
Chaska, MN 55318-1172
Phone: 952-448-8838 ext. 2892
Mobile: 612-756-3184
Bolton-Menk.com

From: Dale Cooney [<mailto:dalec@mediacombb.net>]
Sent: Thursday, November 29, 2018 2:12 PM

Planning Commission For Dec. 12, 2018

RESIDENT COMMENT FORM - This form will become part of the public record and therefore may be viewed by anyone.

GENERAL COMMENTS ON REQUEST: 5290 Meadville St.

In Building a new house - the house plans need to be in proportion to the lot size - that should include the garage

I believe the ordinance of building codes need to be honored.

SPECIFIC ISSUES or CONCERNS:

Build the house on the foot print & the garage should fit in the proportion to the house & lot lines - They need to respect the neighbors property & lot lines.

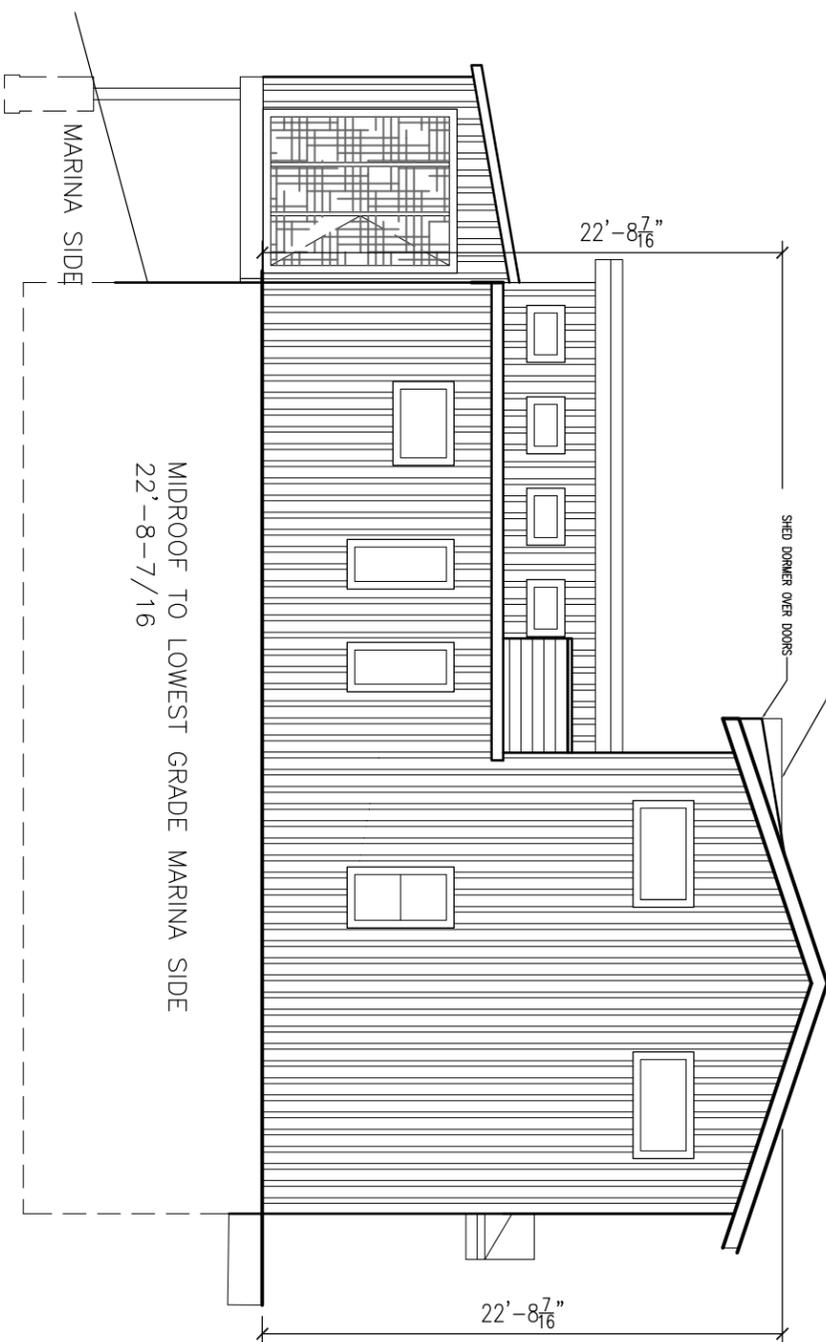
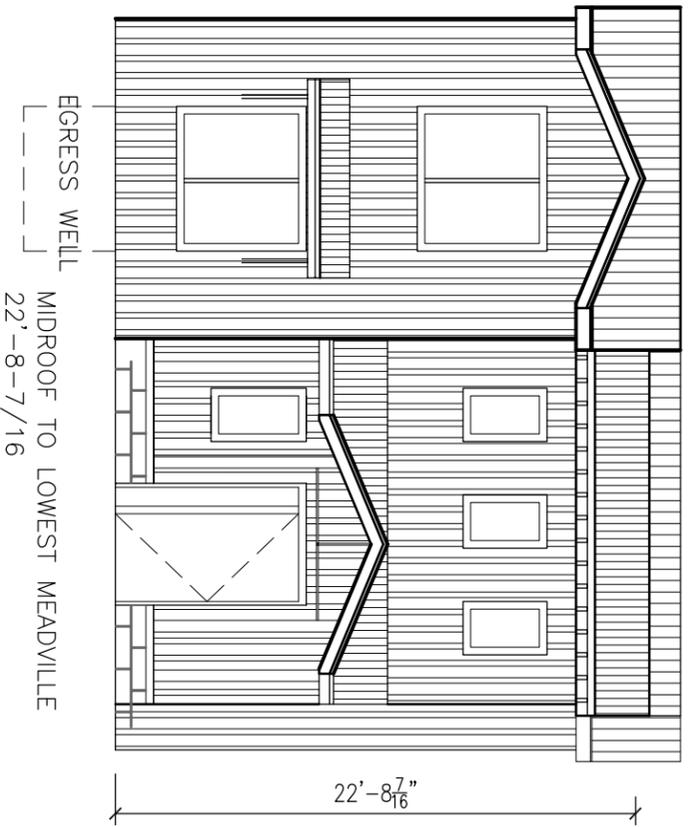
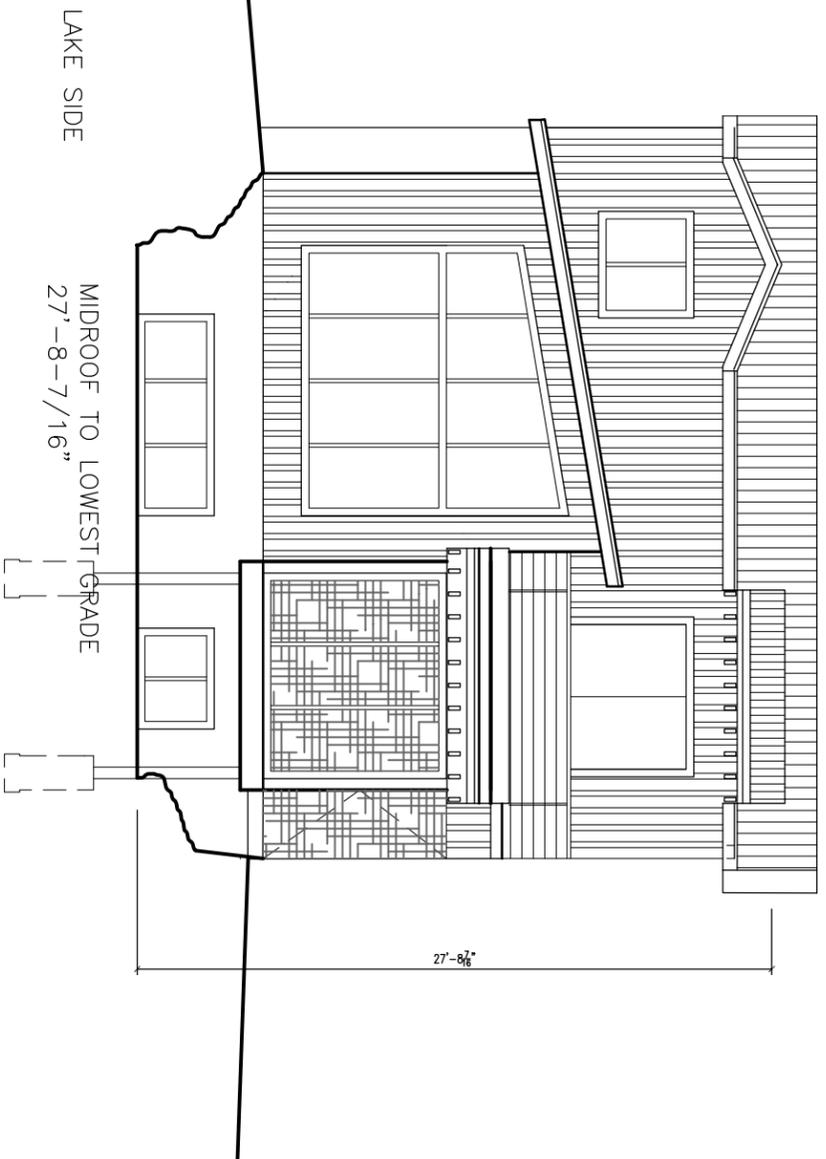
Name: Maureen & Bob Burns
Address: 5290 Meadville St. Greenwood

Please return completed form to the attention of Dale Cooney @ 20225 Cottagewood Road, Deephaven MN 55331 or fax to (952) 474-1274.

JACOBUS RESIDENCE
LAKE MINNETONKA

AVERAGE MIDROOF IS 26.55'
ABOVE FINISHED GRADE

LETOURNEAU DESIGN
ASSOCIATES, LLC
PROJECT MANAGEMENT
AND DEVELOPMENT
8001 5th Street
SLP, Minnesota 55432
PH: 763.717.4966
PH: 612.599.6044



HOUSE REMODELING FOR
Randy & Rane Jacobus
5290 MEADVILLE St, GREENWOOD MN

Copyright 2008	Letourneau Design Assoc, LLC
Designer:	JASTIN
Drawn By:	JCL
Checked By:	JCL
Revisions	
12-07-18	REVIEW
12-12-18	PLANNING MEETING
12-14-18	MIDROOF CALCULATION

Sheet Number

AX

HOUSE REMODELING FOR
Randy & Rane Jacobus
5290 MEADVILLE St, GREENWOOD MN

Copyright 2008
Lakewood Design Assoc, LLC
Designer: JASTIN
Drawn By: JCL
Checked By:
Revisions
12-12-18 PLANNING MEETING
12-14-18 VOLUME CALCULATION

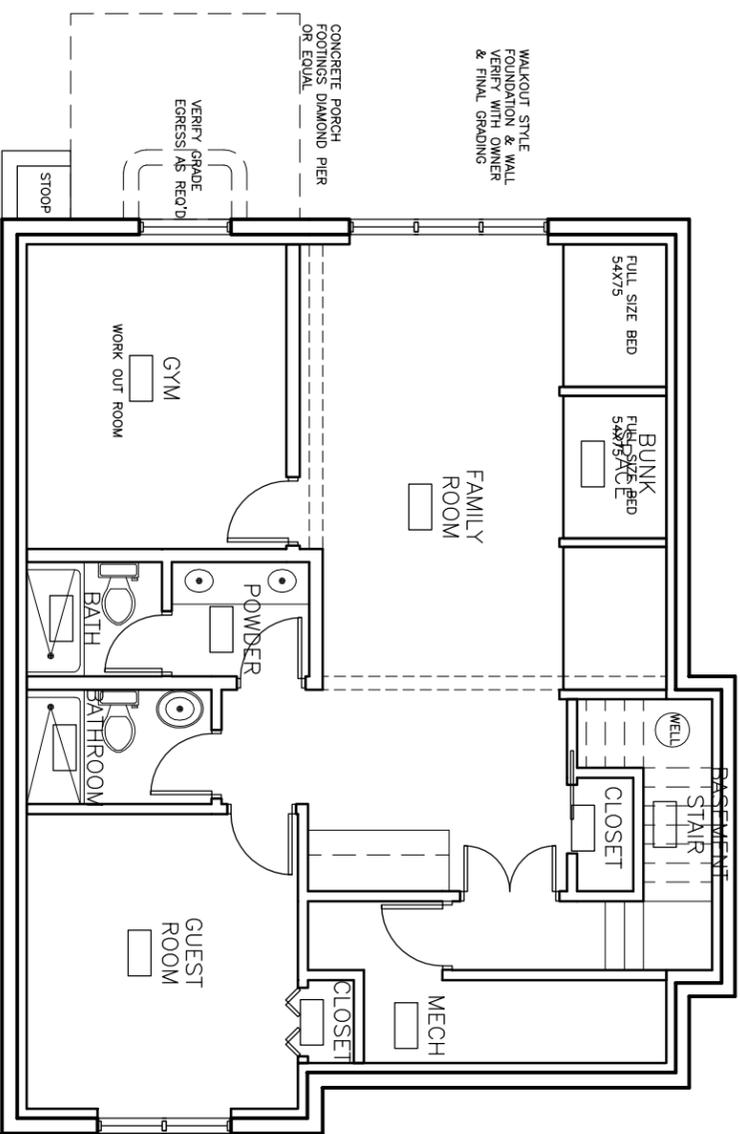
Sheet Number

AC2

SPACE	AREA
FAMILY ROOM	339.98 SF
BUNK SPACES	84.38 SF
CLOSET	12.19 SF
BASEMENT STAIR	69.42 SF
MECHANICAL	67.13 SF
GUEST CLOSET	7.25 SF
GUEST ROOM	155.03 SF
BASEMENT BATHROOM	40.31 SF
BATH	29.48 SF
POWDER	30.00 SF
GYM	151.11 SF
NET SQUARE FOOTAGE	986.28 SF

VOLUME 9'-0"
8876.52 C.F.

3 BASEMENT PLAN
SCALE: 1/2" = 1'-0" ON 24 X 36
1/4" = 1'-0" ON 11 X 17



1 BASEMENT PLAN
SCALE: 1/2" = 1'-0" ON 24 X 36
1/4" = 1'-0" ON 11 X 17

NUMBER	MASTER SUITE	FLOOR		WALLS		CEILING		REMARKS
		MATERIAL	FINISH	BASE	HEIGHT	FINISH	MATERIAL	
	MAIN STAIR	--	--	--	--	--	--	
	M. DRESSING	--	--	--	--	--	--	
	MASTER WALK IN	--	--	--	--	--	--	
	MASTER BEDROOM	--	--	--	--	--	--	
	M BATH	--	--	--	--	--	--	

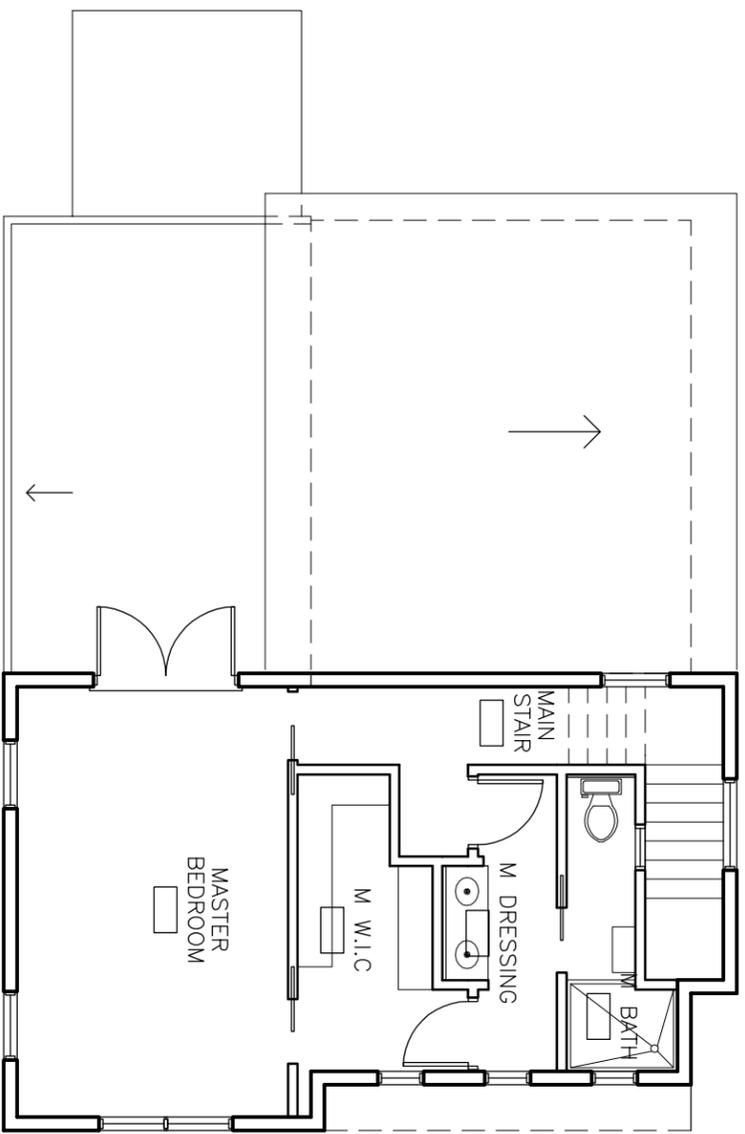
NUMBER	MAIN LEVEL	FLOOR		WALLS		CEILING		REMARKS
		MATERIAL	FINISH	BASE	HEIGHT	FINISH	MATERIAL	
	OFFICE	--	--	--	--	--	--	
	LAUNDRY	--	--	--	--	--	--	
	MAIN CLOSET	--	--	--	--	--	--	
	FOYER CLOSET	--	--	--	--	--	--	
	BATHROOM	--	--	--	--	--	--	
	KITCHEN	--	--	--	--	--	--	
	PORCH	--	--	--	--	--	--	
	FOYER	--	--	--	--	--	--	
	GREAT ROOM	--	--	--	--	--	--	

NUMBER	LOWER LEVEL	FLOOR		WALLS		CEILING		REMARKS
		MATERIAL	FINISH	BASE	HEIGHT	FINISH	MATERIAL	
	FAMILY ROOM	--	--	--	--	--	--	
	BUNK SPACES	--	--	--	--	--	--	
	CLOSET	--	--	--	--	--	--	
	BASEMENT STAIR	--	--	--	--	--	--	
	MECHANICAL	--	--	--	--	--	--	
	GUEST CLOSET	--	--	--	--	--	--	
	GUEST ROOM	--	--	--	--	--	--	
	BASEMENT BATHROOM	--	--	--	--	--	--	
	BASEMENT BATH	--	--	--	--	--	--	
	BASEMENT POWDER	--	--	--	--	--	--	
	GYM	--	--	--	--	--	--	

2 ROOM FINISH SCHEDULES
SCALE: 1/2" = 1'-0" ON 24 X 36
1/4" = 1'-0" ON 11 X 17

SPACE	VOLUME
LOWER LEVEL	8876.52 C.F.
MAIN LEVEL	9593.28 SF
MASTER SUITE	4537.35 C.F.
NET C.F.	23007.15 C.F.
10% STRUCTURE	2300.72 C.F.
GROSS VOLUME	25307.87 C.F.

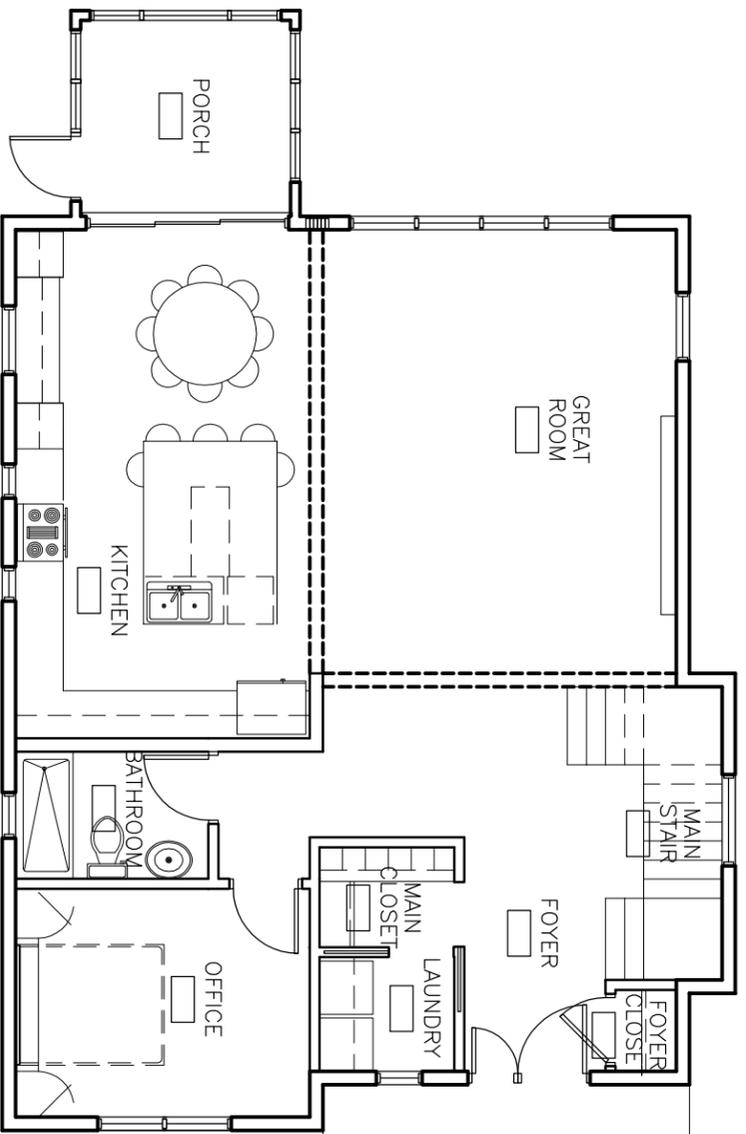
4 VOLUME CHART
SCALE: 1/2" = 1'-0" ON 24 X 36
1/4" = 1'-0" ON 11 X 17



SPACE	AREA
MAIN STAIR	107.69 SF
M. DRESSING	52.21 SF
M. W.I.C.	75.82 SF
MASTER BEDROOM	222.86 SF
M. BATH	45.57 SF
NET SQUARE FOOTAGE	504.15 SF

VOLUME 9'-0"
4537.35 C.F.

4 SECOND FLOOR MASTER SUITE
SCALE: 1/4" = 1'-0" ON 11 x 17"
AC



SPACE	AREA
OFFICE	122.37 SF
LAUNDRY	29.38 SF
MAIN CLOSET	25.70 SF
FOYER CLOSET	9.43 SF
BATHROOM	46.91 SF
KITCHEN/DINING	285.54 SF
PORCH	78.68 SF
FOYER	168.57 SF
GREAT ROOM	299.34 SF
NET SQUARE FOOTAGE	1065.92 SF

VOLUME 9'-0"
9593.28 C.F.

5 MAIN FLOOR PLAN
SCALE: 1/4" = 1'-0" ON 11 x 17"
AC

LEVI/RENEAU DESIGN
ASSOCIATES, LLC
PROJECT MANAGEMENT
AND DEVELOPMENT
8001 5th Street
SLP, Minnesota 55432
PH: 765.717.4966
PH: 612.599.6044

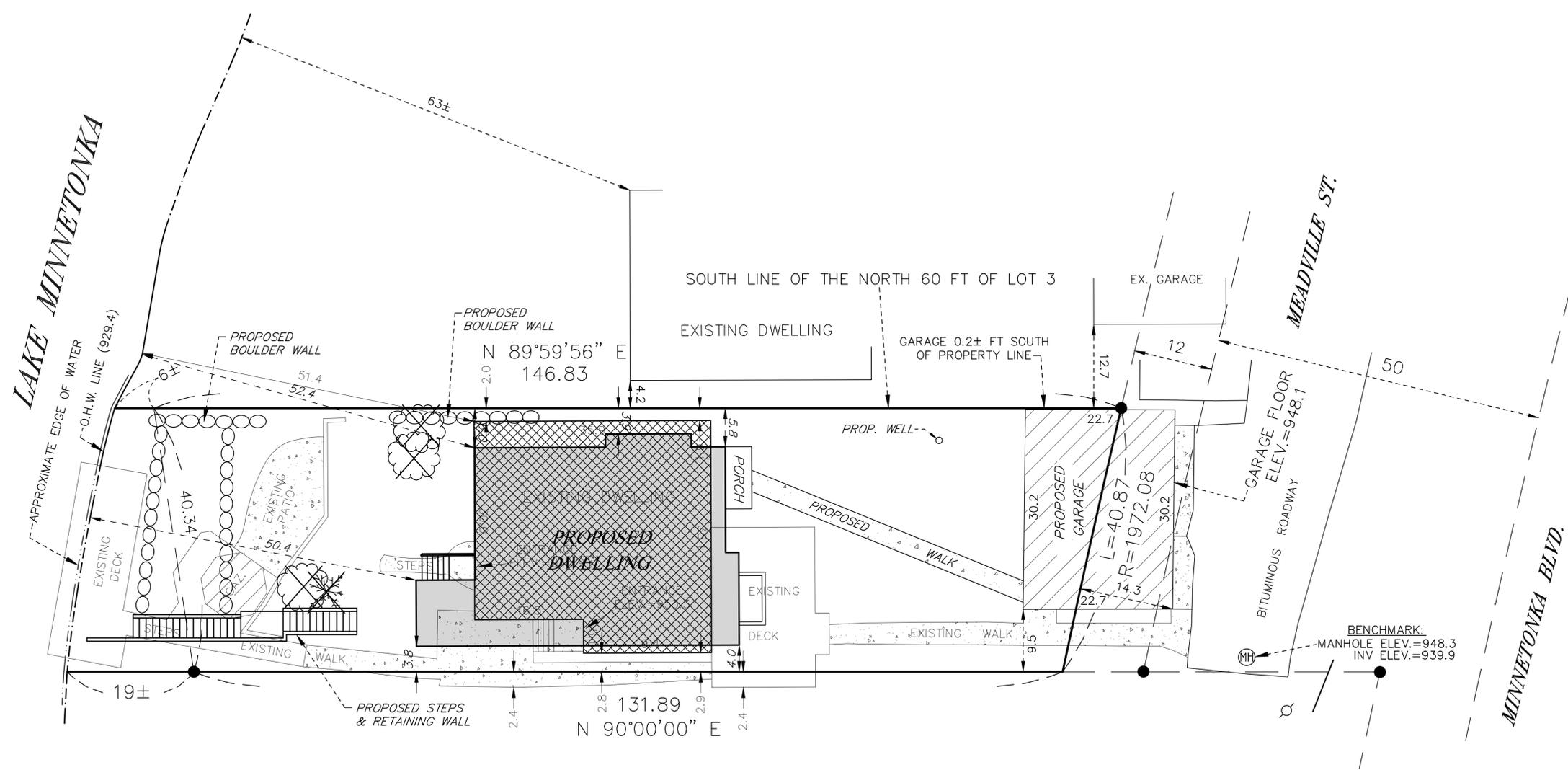
HOUSE REMODELING FOR
Randy & Rane Jacobus
5290 MEADVILLE St, GREENWOOD MN

Copyright 2008
Levi/Reneau Design Assoc, LLC
Designer: JASIN
Drawn By: JCL
Checked By:
Revisions
12-12-18 PLANNING MEETING
12-14-18 VOLUME CALCULATION

Sheet Number

AC1

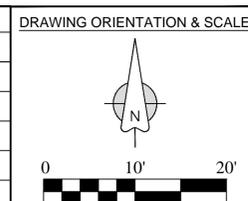
File# 07262010



LEGEND

EXISTING HOUSE FOOTPRINT AREA	
PROPOSED HOUSE FOOTPRINT AREA	

DATE	REVISION DESCRIPTION



CLIENT/JOB ADDRESS

RANEE JACOBUS

5290 MEADVILLE STREET
GREENWOOD, MN

Advance
Surveying & Engineering, Co.

17917 Highway No. 7
Minnetonka, Minnesota 55345
Phone (952) 474-7964
Web: www.advsur.com

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS 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.

Joshua S. Rinke
52716
LICENSE NO.
NOVEMBER 14, 2018
DATE

DATE SURVEYED: NOV. 5, 2018

SURVEYED BY
ADVANCED SURVEYING. & ENG., CO.

DATE DRAFTED: NOVEMBER 14, 2018

SHEET TITLE
EXISTING VS. PROPOSED

SHEET SIZE: 22 X 34

DRAWING NUMBER
181361 JR

SHEET NO.
S2

SHEET 2 OF 2

LEGAL DESCRIPTION:
That part of Lot 3, Solberg's Point, lying South of the North 60 feet thereof, Hennepin County, Minnesota.

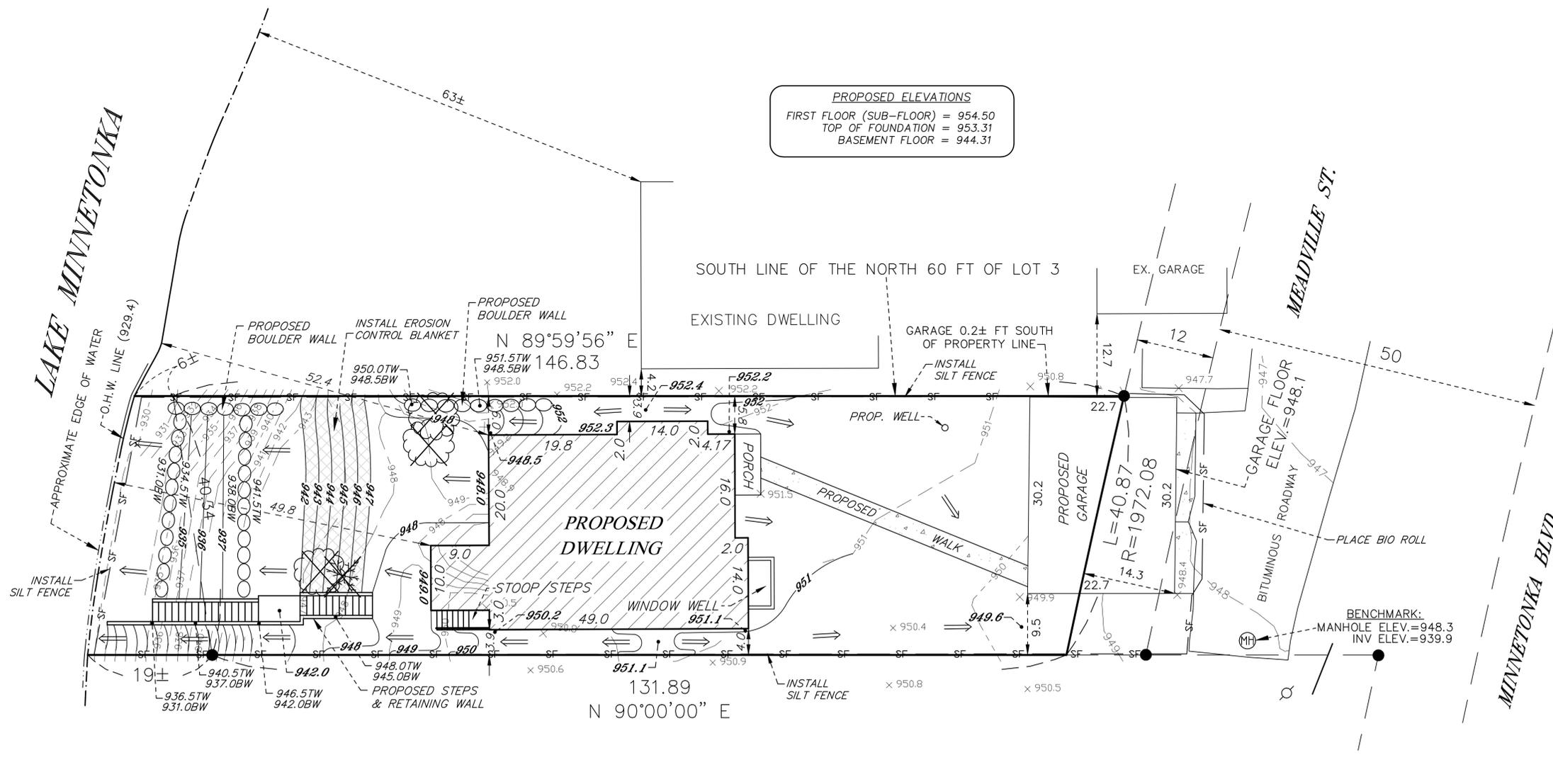
- SCOPE OF WORK & LIMITATIONS:**
- Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
 - Showing the location of observed existing improvements we deem necessary for the survey.
 - Setting survey markers or verifying existing survey markers to establish the corners of the property.
 - Showing and tabulating impervious surface coverage of the lot for your review and for the review of such governmental agencies that may have jurisdiction over these requirements to verify they are correctly shown before proceeding with construction.
 - Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction.
 - This survey has been completed without the benefit of a current title commitment. There may be existing easements or other encumbrances that would be revealed by a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown herein.
 - While we show a proposed location for this home or addition, we are not as familiar with your proposed plans as you, your architect, or the builder are. Review our proposed location of the improvements and proposed yard grades carefully to verify that they match your plans before construction begins. Also, we are not as familiar with local codes and minimum requirements as the local building and zoning officials in this community are. Be sure to show this survey to said officials, or any other officials that may have jurisdiction over the proposed improvements and obtain their approvals before beginning construction or planning improvements to the property.
 - Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.
 - While we show the building setback lines per the City of Greenwood web site, we suggest you show this survey to the appropriate city officials to be sure that the setback lines are shown correctly. Do this BEFORE you use this survey to design anything for this site.

STANDARD SYMBOLS & CONVENTIONS:
● Denotes iron survey marker, found, unless otherwise noted.

- GRADING & EROSION CONTROL NOTES:**
- BEFORE DEMOLITION AND GRADING BEGIN**
- Install silt fence/bio roll around the perimeter of the construction area.
 - Sediment control measures must remain in place until final stabilization has been established and then shall be removed. Sediment controls may be removed to accommodate short term construction activity but must be replaced before the next rain.
 - A temporary rock construction entrance shall be established at each access point to the site and a 6 inch layer of 1 to 2 inch rock extending at least 50 feet from the street into the site and shall be underlain with permeable geotextile fabric. The entrance shall be maintained during construction by top dressing or washing to prevent tracking or flow of sediments onto public streets, walks or alleys. Potential entrances that are not so protected shall be closed by fencing to prevent unprotected exit from the site.
 - Contractor shall install inlet protection on all existing storm sewer inlets in accordance with the city standard details. Inlet protection shall also be provided on all proposed storm sewer inlets immediately following construction of the inlet. Inlet protection must be installed in a manner that will not impound water for extended periods of time or in a manner that presents a hazard to vehicular or pedestrian traffic.
- DURING CONSTRUCTION:**
- When dirt stockpiles have been created, a double row of silt fence shall be placed to prevent escape of sediment laden runoff and if the piles or other disturbed areas are to remain in place for more than 14 days, they shall be seeded with Minnesota Department of Transportation Seed Mixture 22-111 at 100 lb/acre followed by covering with spray mulch.
 - A dumpster shall be placed on the site for prompt disposal of construction debris. These dumpsters shall be serviced regularly to prevent overflowing and blowing onto adjacent properties. Disposal of solid wastes from the site shall in accordance with Minnesota Pollution Control Agency requirements.
 - A separate container shall be placed for disposal of hazardous waste. Hazardous wastes shall be disposed of in accordance with MPCA requirements.
 - Concrete truck washout shall be in the plastic lined ditch and dispose of washings as solid waste.

- Sediment control devices shall be regularly inspected and after major rainfall events and shall be cleaned and repaired as necessary to provide downstream protection.
 - Streets and other public ways shall be inspected daily and if litter or soils has been deposited it shall promptly be removed.
 - If necessary, vehicles, that have mud on their wheels, shall be cleaned before exiting the site in the rock entrance areas.
 - Moisture shall be applied to disturbed areas to control dust as needed.
 - Portable toilet facilities shall be placed on site for use by workers and shall be properly maintained.
 - If it becomes necessary to pump the excavation during construction, pump discharge shall be into the stockpile areas so that the double silt fence around these areas can filter the water before it leaves the site.
 - Temporary erosion control shall be installed no later than 14 days after the site is first disturbed and shall consist of broadcast seeding with Minnesota Department of Transportation Seed Mixture 22-111 at 100 lb/acre followed by covering with spray mulch.
 - Erosion control measures shown on the erosion control plan are the absolute minimum. The contractor shall install temporary earth dikes, sediment traps or basins and additional silt fencing as deemed necessary to control erosion.
- SITE WORK COMPLETION:**
- When final grading has been completed but before placement of seed or sod an "as built" survey shall be done per City of Greenwood requirements to insure that grading was properly done.
 - When any remedial grading has been completed, sod or seeding shall be completed including any erosion control blankets for steep areas.
 - When turf is established, silt fence and inlet protection and other erosion control devices shall be disposed of and adjacent streets, alleys and walks shall be cleaned as needed to deliver a site that is erosion resistant and clean.
 - Contractor shall maintain positive drainage of a minimum 2% slope away from proposed building.

EXISTING HARDCOVER		PROPOSED HARDCOVER	
HOUSE	1,178 SQ. FT.	HOUSE	1,286 SQ. FT.
GARAGE	339 SQ. FT.	EXISTING GARAGE	339 SQ. FT.
FRONT STONE WALK	132 SQ. FT.	FRONT WALK	134 SQ. FT.
DECK	358 SQ. FT.	STOOP/STEPS	33 SQ. FT.
SOUTHERLY WALK/STEPS	256 SQ. FT.	FRONT PORCH	38 SQ. FT.
STONE STEPS (TO BASEMENT)	47 SQ. FT.	LAKE SIDE STEPS/WALLS	144 SQ. FT.
GAZEBO	75 SQ. FT.	TOTAL PROPOSED HARDCOVER	1,974 SQ. FT.
STONE PATIO	185 SQ. FT.	AREA OF LOT TO O.H.W. LINE	6,080 SQ. FT.
WOOD STEPS/DOCK/WALLS	431 SQ. FT.	LOT COVERAGE	32.4%
TOTAL EXISTING HARDCOVER	3,001 SQ. FT.		
AREA OF LOT TO O.H.W. LINE	6,080 SQ. FT.		
LOT COVERAGE	49.4%		



LEGEND

EXISTING CONTOUR	--- 950 ---
EXISTING SPOT ELEVATION	x 950.5
PROPOSED CONTOUR	— 950 —
PROPOSED SPOT ELEVATION	950.5
DRAINAGE ARROW - FLOW	⇒
SILT FENCE/BIO ROLL	SF
TREE REMOVAL	⊗

DATE	REVISION DESCRIPTION	DRAWING ORIENTATION & SCALE	CLIENT/JOB ADDRESS	Advantage Surveying & Engineering, Co.	I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS 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.	DATE SURVEYED: NOV. 5, 2018	SHEET TITLE PROPOSED SURVEY	SHEET NO.
12-7-18	MOVED SCREEN PORCH & UPDATED HOUSE FOOTPRINT		RANEE JACOBUS 5290 MEADVILLE STREET GREENWOOD, MN	17917 Highway No. 7 Minnetonka, Minnesota 55345 Phone (952) 474-7964 Web: www.advsur.com	 Joshua S. Rinke # 52716 LICENSE NO. NOVEMBER 14, 2018 DATE	DATE SURVEYED: NOV. 5, 2018	SHEET TITLE PROPOSED SURVEY	S1
12-13-18	UPDATED HARDCOVER TABULATION					SHEET SIZE: 22 X 34		
		DRAWING NUMBER 181361 JR						

Rainbow Tree Company
 11571 K-Tel Drive
 Minnetonka, MN 55343
952-922-3810

04-Dec-2018

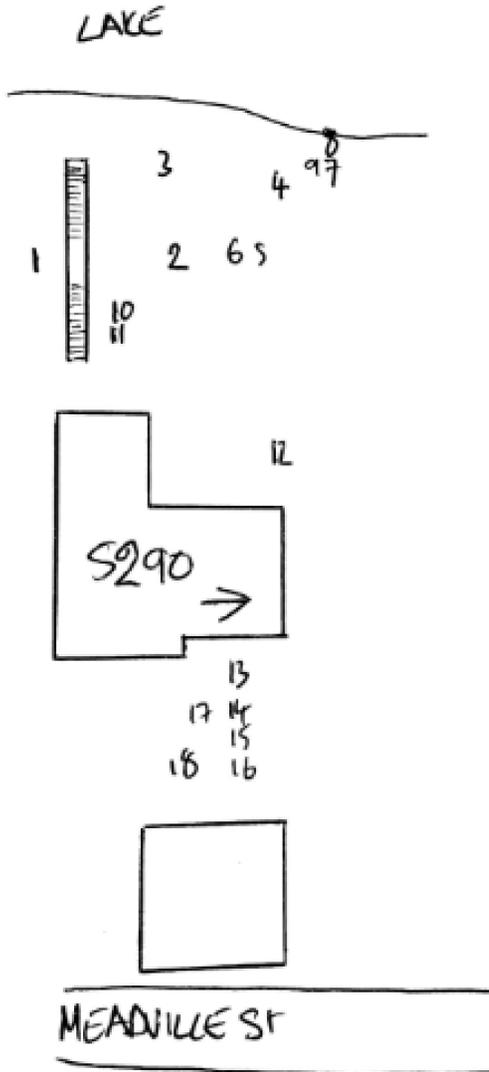
Ranee Jacobus

Email: raneejacobus@gmail.com

Map Location
 117 E3

Address
 5290 Meadville St
 Greenwood MN 55331

Lot Size (acres) _____



Tree#	Qty	DBH	Property	Dt Chg
	1	0	Consultation	
1	1	11	Eastern Red Cedar	12/4/2018
2	1	20	Boxelder	12/4/2018
3	1	10	Green Ash	12/4/2018
4	1	16	Green Ash	12/4/2018
5	1	10	American Elm	12/4/2018
6	1	8	American Elm	12/4/2018
7	1	9	American Elm	12/4/2018
8	1	16	Black Willow	12/4/2018
9	1	9	American Elm	12/4/2018
10	1	22	White Poplar	12/4/2018
11	1	10	Eastern Red Cedar	12/4/2018
12	1	0	Silver Maple Clump	12/4/2018
13	1	6	Colorado Blue Spruce	12/4/2018
14	1	6	White Spruce	12/4/2018
15	1	7	White Spruce	12/4/2018
16	1	6	White Spruce	12/4/2018
17	1	6	White Spruce	12/4/2018
18	1	6	White Spruce	12/4/2018

RESOLUTION NO 05-19

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

APPROVING

In Re: Application of Roland and Ranee Jacobus for the property at 5290 Meadville Street for a conditional use permit under Greenwood ordinance code section 1140.19(3) and 1150.20 to permit grading or site / lot topography alterations that increase or decrease the average grade (existing compared to final conditions) by more than 1 foot in a 350 square foot area.

WHEREAS, Applicants Roland and Ranee Jacobus (hereinafter 'Applicant') is the owner of property commonly known as 5290 Meadville Street, Greenwood, Minnesota 55331 (PID No. 26-117-23-33-0008) being real property located in Hennepin County, Minnesota and legally described as follows:

THAT PART OF LOT 3, SOLBERG'S POINT, LYING SOUTH OF THE NORTH 60 FEET THEREOF,
HENNEPIN COUNTY, MINNESOTA.

; and

WHEREAS, the applicant proposes to regrade the property in conjunction with the construction of a new house and the removal of lake yard nonconformities on the property; 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 December 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 applicant, 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 5290 Meadville Street, Greenwood, Minnesota 55331 (PID No. 26-117-23-33-0008) is a single-family lot of record located within the R-1 district.
2. The applicant is proposing to alter site/lot topography that increases or decreases the average grade (existing compared to final conditions) by more than 1 foot in a 350 square foot area in conjunction with the construction of a new house and the removal of lake yard nonconformities on the property. Pursuant to Greenwood ordinance code 1140.19(3), the increase or decrease the average grade (existing compared to final conditions) by more than 1 foot in any 300 square foot area requires a conditional use permit.
3. Pursuant to Greenwood ordinance code section 1150.20, Subd. 3, Conditional Use Permits (general regulations), the city council may impose such conditions and safeguards upon the property benefitted by a CUP as may be necessary to maintain compatibility with other properties in the neighborhood.
4. Greenwood ordinance section 1150.20, Subd 1 states:

"Subd. 1. The planning commission shall make findings and recommendations to the city council. The council may then authorize a conditional use by resolution provided the evidence presented is such as to establish:

(a) That the proposed use will comply with the regulations specified in this ordinance for the district in which the proposed use is to be located.
(b) That the use is one of the conditional uses permitted for the district in which it is to be located.

- (c) The use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city.
- (d) The use will be harmonious with the objectives of the comp plan.
- (e) The use will not be hazardous or disturbing to existing or future neighboring uses.
- (f) The use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, sewer, schools, or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
- (g) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- (h) The use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
- (i) The use will have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
- (j) The use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
- (k) The use will not depreciate surrounding property values.”

- 6. The applicant asserts that the proposed CUP request complies with CUP standards in Greenwood ordinance section 1150.20, Subd 1.
- 7. The planning commission held a public hearing and discussed the CUP request and on a 3-0 vote recommended approval because the proposed CUP request complies with the CUP standards in Greenwood ordinance section 1150.20, Subd 1. The approval recommendation is not subject to any conditions.
- 8. Based on the foregoing, the city council determined that the proposed CUP request complies with the CUP standards in Greenwood ordinance section 1150.20 subd 1, subject to the conditions noted in the above findings of fact.

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:

- 1. The applicant has made an adequate demonstration of facts meeting the standards of sections 1140.19(3), and 1150.20 necessary for the granting of a CUP.
- 2. The granting of the CUP is not subject to any conditions.

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments that the city of Greenwood does hereby grant and issue a Conditional Use Permit to alter site/lot topography that increases or decreases the average grade (existing compared to final conditions) by more than 1 foot in a 350 square foot area for the property at 5290 Meadville Street . The granting of the CUP is not subject to any conditions.

PASSED this 2nd day of January, 2019 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

RESOLUTION NO 06-19

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

In Re: Application of Roland and Rane Jacobus for the property at 5290 Meadville Street for a variance from Greenwood ordinance code sections 1120.15 in order to encroach into the north and south side yard setbacks in conjunction with the construction of a new house on the property.

WHEREAS, Applicants Roland and Rane Jacobus (hereinafter 'Applicant') is the owner of property commonly known as 5290 Meadville Street, Greenwood, Minnesota 55331 (PID No. 26-117-23-33-0008) being real property located in Hennepin County, Minnesota and legally described as follows:

THAT PART OF LOT 3, SOLBERG'S POINT, LYING SOUTH OF THE NORTH 60 FEET THEREOF,
HENNEPIN COUNTY, MINNESOTA.

; and

WHEREAS, the applicant proposes to encroach into the north and south side yard setbacks in order to construct new house on the property; 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 December 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 applicant, 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 5290 Meadville Street, Greenwood, Minnesota 55331 (PID No. 26-117-23-33-0008) is a single-family lot of record located within the R-1 district.
2. The applicants propose to build a new house that would encroach into the north and south side yard setbacks on the property. Section 1120.15 of the city code requires side yard setbacks of 8 feet for the 40 foot wide lot. Applicants are proposing side yard setbacks of 3.8 feet on the south side and 3.9 feet on the north side. The existing house has a south side yard setback of 2.9 feet and a north side yard setback of 2 feet. Meeting the city setback requirements would limit the house width to 24 feet wide, which would not meet the minimum house width requirements.
3. 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.”

4. The applicants assert that the proposed variance request complies with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6.
5. The planning commission, on a 3-0 vote, recommended the council approve the request of Roland and Ranee Jacobus to vary from city code section 1120.15 to encroach into the south side yard setback by 4.2 feet, and into the north side yard setback by 4.1 feet in order to build a new house at 5290 Meadville Street, as proposed. The motion was based on the following findings:
 - a) The variance, if granted, will be in harmony and keeping with the spirit and intent of the zoning ordinance because the purpose of the ordinance is to provide a use zone for low-density single-family dwellings that will be exclusive of other types of use for the purpose of creating a quality semi-estate district. The proposed expansion is consistent with that purpose and is a modest house on a challenging, undersized property.
 - b) The variance, if granted, will be consistent with the comprehensive plan which encourages, safe, healthy, and quality housing that respects the natural environment of the community.
 - c) Though the property owner's proposed *manner of use* of the property is not permitted by the zoning ordinance without a variance, the proposed *manner of use* is reasonable because: it maintains the single family nature of the property while improving upon the existing nonconforming conditions. The narrow lot creates challenges to meeting the setback standards and the building width standards.
 - d) The plight of the landowner-applicant is due to circumstances unique to the property and not created by the landowner because: the buildable area on the property is limited due to the 40 foot lot width and the overall size of the lot.
 - e) The variance, if granted, will not alter the essential character of the locality, because: the proposed house is a modest change from existing conditions and would remain consistent with the scope and scale of the surrounding properties.
 - f) The variance, if granted, will not:
 - i. Impair an adequate supply of light and air to adjacent property;
 - ii. Unreasonably increase the congestion in the public street;
 - iii. Increase the danger of fire or endanger the public safety; or
 - iv. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this ordinance.
6. Based on the foregoing, the city council determined that the variance request complies with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6.

CONCLUSIONS OF LAW

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

The applicant has made an adequate demonstration of facts meeting the standards of section 1155.10 necessary for the granting of variances from section 1120.15 and therefore variances to encroach into south side yard setback by 4.2 feet, and into the north side yard setback by 4.1 feet in order to build a new house at 5290 Meadville Street be **APPROVED**.

The approval is conditioned that: a) the proposed lake yard setback be adjusted to meet the 50 foot minimum lake yard

setback requirement.

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 Roland and Rane Jacobus for the property at 5290 Meadville Street, Greenwood, Minnesota 55331 for variances from section 1120.15 to encroach into south side yard setback by 4.2 feet, and into the north side yard setback by 4.1 feet in order to build a new house at 5290 Meadville Street is **APPROVED**.

The approval is conditioned that: a) the proposed lake yard setback be adjusted to meet the 50 foot minimum lake yard setback requirement.

PASSED this 2nd day of January, 2019 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: 7D

Agenda Date: 01-02-19

Prepared by Dale Cooney

Agenda Item: CUP Request, Todd and Amy Wilkinson, 21800 Byron Circle.

Summary: Todd and Amy Wilkinson, property owners at 21800 Byron Circle are requesting a conditional use permit in order to regrade areas of the lake yard of their property. The house was built in 1910, according to Hennepin County records, and there are a number of nonconformities within the lake yard. The house sits atop a significant bluff and much of the proposed regrading would take place within the bluff.

Planning Commission Action: The planning commission held a public hearing at their December 12 meeting and on a 3-0 vote recommended that the city take an additional 60 days to review the request based on the fact that the plans did not clearly identify the extent of the work. Since much of the work would be permitted based on existing nonconformities, the planning commission said that the plans needed to more clearly identify those improvements that are existing versus those that are proposed.

Key Dates:

Application complete:	November 30, 2018
Notice of Public Hearing published:	November 29, 2018
Planning Commission Public Hearing:	December 12, 2018
City Council Consideration:	February 6, 2019
60-Day Deadline:	January 29, 2019
120-Day Deadline:	March 30, 2019

Council Action: None required. The planning commission will consider the request at their January 9th meeting.



Agenda Number: **4A**

Agenda Date: 01-02-19

STAFF REPORT

Agenda Item: Consider the conditional use permit request of Todd and Amy Wilkinson for 21800 Byron Circle to regrade the lake yard area of the property.

Summary: Todd and Amy Wilkinson, property owners at 21800 Byron Circle are requesting a conditional use permit in order to regrade areas of the lake yard of their property. The house was built in 1910, according to Hennepin County records, and there are a number of nonconformities within the lake yard. The house sits atop a significant bluff and much of the proposed regrading would take place within the bluff.

Grading Conditional Use Permit:

The proposed grading changes exceed the City's Conditional Use Permit threshold. Section 1140.19 (2) of the City Zoning Code requires a conditional use permit for any the grading or site/lot topography alteration request involving more than 200 square feet of surface area, or involving more than 7 cubic yards of material. The applicant is proposing to impact 6,800 square feet of surface area and 12,000 cubic yards of volume.

Many of the proposed grade changes are proposed for the bluff area, but grading within the bluff areas is severely restricted. The applicants would be entitled to repair or replace existing alterations to the bluff, but they would be prohibited from regrading or adding new retaining walls.

The one major exception to this restriction is stairways, lifts and landings. Section 1176.04, Subd. 8 states of the zoning code states that stairways and lifts shall meet the following design requirements: 1. Stairways and lifts shall not exceed 4 feet in width; 2. Landings for stairways and lifts shall not exceed 32 square feet in area. Landings larger than 32 square feet shall require a conditional use permit; 3. Canopies or roofs shall not be allowed on stairways, lifts, or landings; 4. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion. 5. Stairways, lifts, and landings shall be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public waters assuming summer, leaf-on conditions, whenever practical.

It is the opinion of staff that the code permits replacing the existing stairs with the proposed stairs in the new location. The areas of the stairs that are to be abandoned must be returned to a natural bluff state.

Per the city engineer comments (see attached), if areas of the bluff not adjacent to the stairway are experiencing erosion, non-structural solutions to stabilize the slope should be employed (not retaining walls). Potential non-structural solutions include, but are not limited to, plantings, erosion control blanket, and bonded fiber matrix.

Bluff Setbacks:

City code defines two bluff setbacks: a 30 foot structure setback, and a 20 foot bluff impact zone. The bluff impact zone is the most restrictive such that structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

Nearly all of the existing improvements on the lake side of the house are within the bluff impact zone. Per state law, those encroachments are allowed to be repaired or replaced, but not expanded. Grading is permitted within the bluff impact zone, but additional precautions must be taken to prevent erosion of the bluff. Unless the city was compelled to grant a variance, the proposed moving of the retaining walls within the bluff impact zone would be prohibited.

Other Items:

Stormwater Mitigation: Section 1140.17 requires stormwater mitigation for increased impervious surface coverage of 200 square feet or more over existing conditions that do not drain to the lake or a wetland area. The project proposes to expand impervious areas by 863 square feet, but all of that expansion would drain towards Lake Minnetonka. Therefore, no stormwater mitigation would be required.

Staff Recommendation for Conditional Use Permit Request:

Staff recommends approval with conditions of the conditional use permit request of Todd and Amy Wilkinson for 21800 Byron Circle to impact 6,800 square feet of surface area and 12,000 cubic yards of volume in conjunction with the construction of a new house, as proposed. Staff findings based on the CUP review criteria found in city code section 1155.20:

- a) The proposed use will comply with the regulations specified for the R-1 zoning district.
- b) The use is one of the conditional uses permitted for the R-1 zoning district.
- c) The use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city.
- d) The proposed use will be harmonious with the objective(s) of the comp plan, particularly the objective of: Maintaining the overall pattern of drainage from the property and not increasing stormwater runoff.
- e) The use will not be hazardous or disturbing to existing or future neighboring uses.
- f) The use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, sewer, schools, or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
- g) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- h) The use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
 - a. The use will have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
 - b. The use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
 - c. The use will not depreciate surrounding property values.

And subject to the following conditions:

- a) Grading within the bluff shall be limited to the extent of the stairway to the lake and infill of the unused portions of the old stairway.
- b) No new structures or facilities (including retaining walls) can be placed within the bluff or bluff impact zone, except stairways and landings. Existing structures and facilities can be repaired or replaced in their current location and configuration, but not expanded. The use of alternate materials (for example, replacing wood with stone) is acceptable in the repair or replacement of existing improvements.
- c) Stairways and landings must be designed to meet the requirements of City code (Section 1175.04, Subd. 8). For stairways and landings placed into the ground, only enough retaining wall adjacent to the stairway is allowed to ensure control of erosion.
- d) Project will be subject to the rules and regulations of zoning code Section 1176.08. Shoreland Alterations.
- e) If areas of the bluff not adjacent to the stairway are experiencing erosion, non-structural solutions to stabilize the slope should be employed (not retaining walls). Potential non-structural solutions include, but are not limited to, plantings, erosion control blanket, and bonded fiber matrix.
- f) Applicant may be required to obtain a Minnehaha Creek Watershed District permit for aspects of the project including, but not limited to, erosion control.

Conditional Use Permit Application



Person completing form: Property Owner Builder / Architect

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

Date application submitted	11/19/18
Date application complete (office use only)	
Property address	21800 Byron Circle, Greenwood MN 55331
Property identification number (PID)	2611723340056
Property owner's current mailing address	21800 Byron Circle, Greenwood MN 55331
Names of all property owners	Todd and Amy Wilkinson
Cell phone and email of property owner(s)	952-212-4921; amywilkinson2@yahoo.com
Name of builder / architect (if any)	Luke Busker
Company name of builder / architect	Luke Busker Masonry
Cell phone and email of builder / architect	612-490-1037
Company address	PO Box 180, Roberts WI 54023
Present use of property	Homestead
Property acreage	0.73
Existing variances or conditional use permits	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes – please attach a copy
Request is for	<input type="checkbox"/> New Construction <input type="checkbox"/> Addition <input type="checkbox"/> Remodel <input checked="" type="checkbox"/> Replace <input type="checkbox"/> Other:
The CUP is being requested to (e.g. install a swimming pool)	Retain hillside

Making your case for the grant of a conditional use permit: The planning commission shall make findings and recommendations to the city council. The council may then authorize a conditional use by resolution provided the evidence presented complies with the city conditional use permits ordinance section 1150 (view at city hall or at www.greenwoodmn.com). The council may impose such conditions and safeguards upon the premises benefited by a conditional use permit as may be necessary to maintain compatibility with other properties in the neighborhood. Examples of conditions include, but are not limited to: controlling size and location of use, regulating ingress and egress, controlling traffic flow, regulating off-street parking and loading areas, location of utilities, berming, fencing, screening, landscaping, restricting hours of operation, controlling noise, controlling lighting, controlling odors, and compatibility of appearance. Violation of such conditions and safeguards, when made part of the terms under which the conditional use permit is granted, shall be deemed a violation of this ordinance and punishable under section 1180 et seq.

Please answer each of the below questions:

Will the proposed use comply with the regulations specified in the ordinance for the district in which the proposed use is to be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain:
Is the proposed use one of the conditional uses permitted for the district in which it is to be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain:
Will the proposed use be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:
Will the proposed use be harmonious with the objectives of the comp plan?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain:
Will the proposed use be hazardous or disturbing to existing or future neighboring uses?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:

Will the proposed use be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, sewer, schools?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain:
Will the proposed use create excessive additional requirements at public cost for public facilities and services or be detrimental to the economic welfare of the community?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:
Will the proposed use involve activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:
Will the proposed use have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:
Will the proposed use result in the destruction, loss or damage of a natural, scenic or historic feature of major importance?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:
Will the proposed use unreasonably depreciate surrounding property values?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:

The applicant(s) 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: Amy Wilkinson [Signature] Date: 11/19/18 Contractor

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: Amy Wilkinson Date: 11/19/18 Owner

Note: If the property owner is different than the applicant, signatures from both the applicant and the property owner are required.

Conditional Use Permit Fee (nonrefundable)	\$400
Shoreland Management Review Fee (nonrefundable)	\$200
Total Amount Due (make check payable to the City of Greenwood)	\$600

For Office Use Only Fee Paid: Cash Check # # Amount \$ 600.00

Permit #	FORM #8 Return this document to City Hall
Receipt #	



Grading Permit Application

This form becomes a "permit" when city staff issues a permit number. If you prefer to complete this form electronically, it is available at www.greenwoodmn.com.

Property Owner(s)	Todd and Amy Wilkinson
Property Address	21800 Byron Circle, Greenwood MN 55331

Person completing this form: Grading Contractor Property Owner Builder / Architect
 This sheet is accompanied by a **Building Permit Application (Form #1)**: Yes (skip to section 2) No (complete section 1)

SECTION 1

Date Application Submitted	11/19/18
Property Owner's Mailing Address	21800 Byron Circle Greenwood MN 55331
Property Owner's Phone Number	952-212-4921
Property Owner's Email	
Contractor or Builder / Architect Name	Luke Buster Masonry
Contractor or Builder / Architect Address	PO Box 180 Roberts, WI 54023
Contractor or Builder / Architect Phone	612-490-1037
Contractor or Builder / Architect Email	Luke@lukebustermasonry.com

SECTION 2

Total surface area to be moved, disturbed, cut, or filled (square feet)	6800
Total volume of soil or earth to be moved, disturbed, cut, or filled (cubic feet)	12000
Estimated start date	March 1st 2019

Work is required for: Remodeling of an existing structure Construction of a new structure Other: Retaining Walls

Work is 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: Yes No

The average elevation of the land will increase / decrease by:
 Less than 1ft 1ft or more in a 100+ sq ft area (city engineer approval required)
 The proposal will involve grading involving a 200+ sq ft area, and 7 cubic yards of material (conditional use permit required)

Per code section 1140.19 subd 3, the following items must submitted with this application:
 (1) Survey (2) Stormwater Management Plan prepared by a civil engineer

The undersigned hereby submits this application (including a survey and Stormwater Management Plan) for a grading permit and certifies the information provided on this permit application is true and correct to the best of my knowledge. The property owner(s) listed above are the sole fee title owner(s) of the described property; information provided on this application and submitted documents is true, complete and accurate; if the application is approved, the work will be in accordance with the application and city code section 1140.19 (view at www.greenwoodmn.com or at city hall).

Signature		Date: 11/19/18
Print Name	Luke Buster	

This section completed if grading is NOT in conjunction with a building permit:

For Office Use Only	Fee Amount \$	Fee Paid: <input type="checkbox"/> Cash <input type="checkbox"/> Check #	Date Pmt Received:
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Form Updated 07-03-17

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



Shoreland Management Worksheet

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

Property Owner(s)	Todd and Amy Wilkinson
Property Address	21800 Byron Circle, Greenwood MN 55331

Person completing this form: Property Owner Builder / Architect

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

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

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

Current lot size (square feet)	31,805
Proposed lot size (square feet)	31,805
Dimensions of proposed structure(s)	
Total square footage of proposed structure(s)	
Percent of existing hardcover	
Total hardcover including proposed hardcover	
Amount of fill to be added (cubic yards)	12
Amount of soil to be removed (cubic yards)	0
Type and area of vegetation to be removed	1 Large Oak Tree

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

Signature		Date: 11/19/18
Print Name	Luke Buster	

Form Updated 10-27-14

Dale Cooney

Subject: FW: 21800 Byron Circle

From: Bob Bean [mailto:Robert.Bean@bolton-menk.com]

Sent: Tuesday, December 04, 2018 2:07 PM

To: Dale Cooney

Subject: RE: 21800 Byron Circle

Dale,

I have completed review of the information provided. Following are my comments for City consideration:

1. It appears that proposed improvements are located within a bluff area. A bluff exhibit should be provided to determine the extents of the bluff and bluff impact zone in relation to proposed improvements. No structures or facilities (including retaining walls) can be placed within the bluff or bluff impact zone, except stairways and landings.
2. Stairways and landings must be designed to meet the requirements of City code (Section 1175.04, Subd. 8). For stairways and landings placed into the ground, only enough retaining wall adjacent to the stairway is allowed to ensure control of erosion.
3. If areas of the bluff not adjacent to the stairway are experiencing erosion, non-structural solutions to stabilize the slope should be employed (not retaining wall). Potential non-structural solutions include, but are not limited to, plantings, erosion control blanket, and bonded fiber matrix.

If you have any questions or comments, please contact me to discuss.

Thanks,

Robert E Bean Jr. P.E.

Water Resources Project Engineer

Bolton & Menk, Inc.

2638 Shadow Lane

Suite 200

Chaska, MN 55318-1172

Phone: 952-448-8838 ext. 2892

Mobile: 612-756-3184

Bolton-Menk.com



December 14, 2018

Luke Busker
PO Box 180
Roberts, WI 54023

RE: Conditional Use Permit request for 21800 Byron Circle, Greenwood, MN

Luke,

This is written notice that the City of Greenwood will extend the time limit to render a decision on your variance and conditional use permit requests by 60 days for the property at 21800 Byron Circle. Minnesota State Statute 15.99(3)(F) requires cities to render a decision on the application within 60 days, but it also enables cities to extend the original 60-day limit by an additional 60 days if the applicant is notified in writing within the original 60 day time period.

The original 60-day period expires on January 29, 2019. The city will not be able to render a decision by this deadline due to your request to have more time to provide additional information to the city council. **This extension will extend the deadline to no later than March 30, 2019.**

To expedite a decision on this request, please update the project site plan to include different color coding for 1) existing walls to be removed; 2) new walls replacing existing walls in the same location; 3) new walls that do not exist today; 4) expanded patio/walkway areas that don't exist today; 5) patio/walkway areas to be removed

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Dale Cooney".

Dale Cooney
Zoning Administrator

Cc: File

CERTIFICATE OF SURVEY

HARD COVERAGE CALCULATIONS:

PARCEL A

That part of Lot 19, SOLBERG'S POINT, Hennepin County, Minnesota, that lies northwesterly of the following described line:

Commencing at the most westerly corner of said Lot 19; thence on an assumed bearing of South 41 degrees 16 minutes East, along the southwesterly line of said Lot 19, a distance of 115.00 feet, to the point of beginning of the line to be described; thence North 39 degrees 39 minutes 58 seconds East, a distance of 54.38 feet; thence North 77 degrees 38 minutes 41 seconds East, a distance of 133 feet, more or less, to the shoreline of Lake Minnetonka and there terminating. Except the northwest 7 feet thereof.

ALSO, that part of Lot 188, AUDITOR'S SUBDIVISION No. 141, which lies southeast of the southwesterly extension of the Southeast line of the Northwest 7 feet of Lot 19, SOLBERG'S POINT, Hennepin County, Minnesota.

PARCEL B: (21800 Byron Circle)

That part of Lot 19, SOLBERG'S POINT, and adjacent 1/2 of Tabek Street which lies Southeastly of the following described line: Commencing at the most Westerly corner of said Lot 19; thence on an assumed bearing of South 41 degrees 16 minutes East along the Southwesterly line thereof a distance of 115 feet to the point of beginning of the line to be described; thence North 39 degrees 39 minutes 58 seconds East a distance of 54.38 feet; thence North 77 degrees 38 minutes 41 seconds East a distance of 133 feet more or less to the shoreline of Lake Minnetonka and there ending, Hennepin County, Minnesota.

PARCEL C:

That part of Lot 19, SOLBERG'S POINT, according to the recorded plat thereof, Hennepin County, Minnesota described as follows:

Commencing at the most westerly corner of said Lot 19; thence on an assumed bearing of South 41 degrees 16 minutes East, along the southwesterly line of said Lot 19, a distance of 115.00 feet; thence North 37 degrees 39 minutes 58 seconds East, a distance of 8.83 feet, to the point of beginning of the land to be described; thence South 41 degrees 43 minutes 04 seconds East, a distance of 3.80 feet; thence North 22 degrees 21 minutes 44 seconds East, a distance of 12.62 feet; thence South 39 degrees 39 minutes 58 seconds West, a distance of 11.48 feet, to the point of beginning.

PARCEL D:

That part of Lot 19, SOLBERG'S POINT, according to the recorded plat thereof, Hennepin County, Minnesota described as follows:

Commencing at the most westerly corner of said Lot 19; thence on an assumed bearing of South 41 degrees 16 minutes East, along the southwesterly line of said Lot 19, a distance of 115.00 feet; thence North 39 degrees 39 minutes 58 seconds East, a distance of 8.83 feet; thence North 39 degrees 39 minutes 58 seconds East, continuing on last described course, a distance of 33.86 feet, to the point of beginning of the land to be described; thence North 56 degrees 12 minutes 24 seconds East, a distance of 19.69 feet; thence South 75 degrees 38 minutes 41 seconds West, a distance of 9.11 feet; thence South 39 degrees 39 minutes 58 seconds West, a distance of 11.69 feet, to the point of beginning.

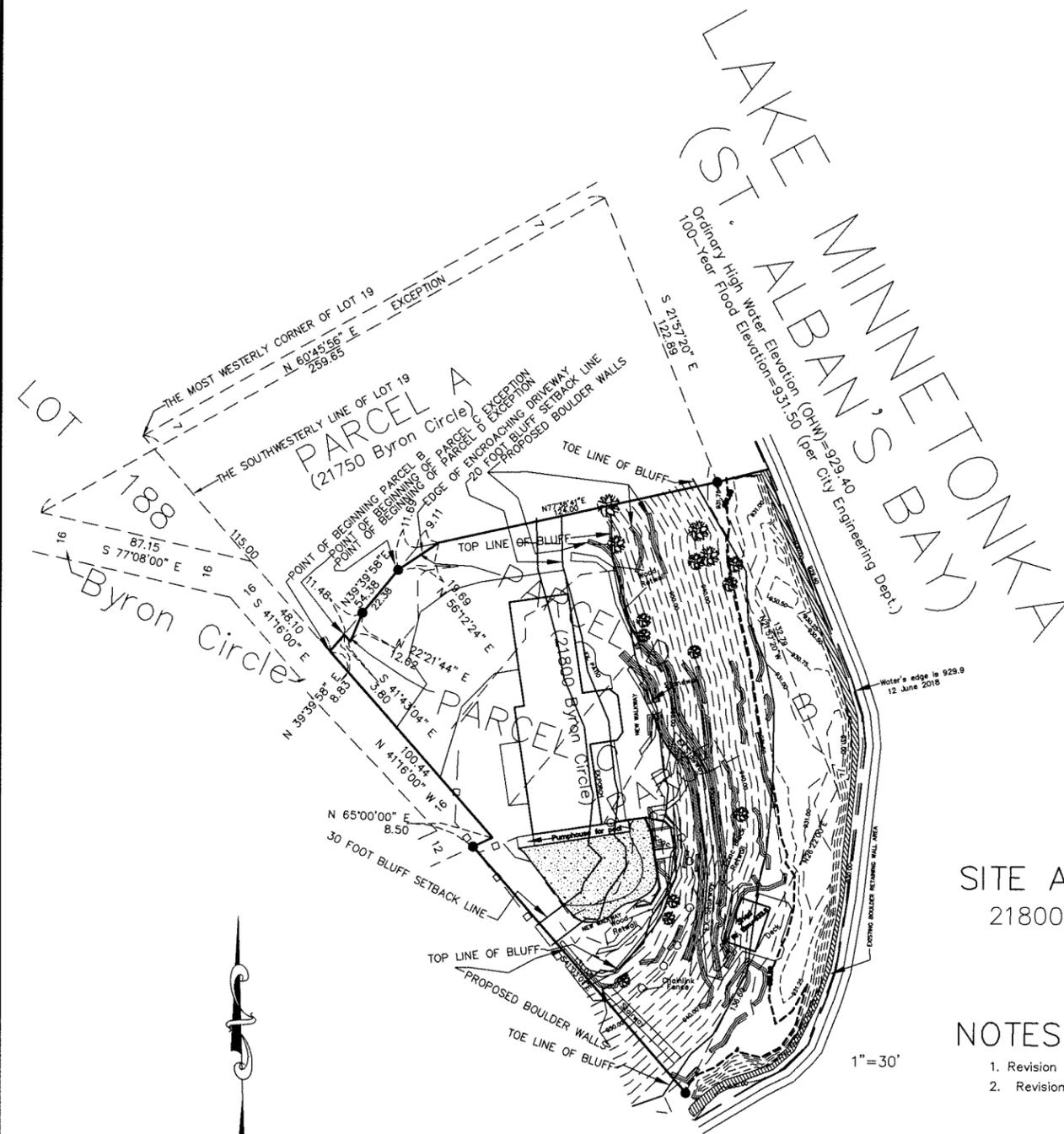
EXISTING IMPERVIOUS SURFACE AREAS:	
PROPERTY AREA ABOVE OHW =	33,753 SQ. FT.
EXISTING HOUSE AREA =	2,735 SQ. FT.
EXISTING SHED AREA =	226 SQ. FT.
EXISTING PORCH AREA =	323 SQ. FT.
EXISTING DRIVEWAY AREA =	2,282 SQ. FT.
EXISTING DECK AREA =	240 SQ. FT.
EXISTING SPA, POOL, WALKWAY, PATIO AREAS =	2,029 SQ. FT.

TOTAL EXISTING IMPERVIOUS AREAS = 7,835 SQ. FT. (23.2%)

PROPOSED IMPERVIOUS SURFACE AREAS:

EXISTING AREAS TO REMAIN =	7,835 SQ. FT.
PROPOSED NEW WALKWAY NET AREA =	863 SQ. FT.

TOTAL PROPOSED IMPERVIOUS SURFACE = 8,698 SQ. FT. (25.8%)



SITE ADDRESS:
21800 Byron Circle

NOTES:

1. Revision of 03 December 2018 to add impervious surface calculations.
2. Revision of 05 December 2018 to add the 20 foot and 30 foot bluff setback lines.

All bearings assumed
 o Denotes iron monument set, or see note.
 ● Denotes iron monument found
 Existing El. (Proposed El.)

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the Laws of the State of Minnesota.
 Michael H. Brandt
 Date: 30 November 2018 Reg. No. 41905
 Rev 03 December 2018
 Rev 05 December 2018

BRANDT ENGINEERING & SURVEYING, INC. 1713 Southcross Drive W., Ste A Burnsville, MN 55306 (952) 435-1966	Certificate of Survey	
	for	
	Green Dale Design	
	L98-01-18	SHEET 1 OF 2 SHEETS



Agenda Number: **7E**

Agenda Date: **01-02-18**

Prepared by Dale Cooney and Deb Kind

Agenda Item: Discuss Potential Revisions to Tree Ordinance, Section 1140.80

Summary: Staff would like clarity regarding two issues with the tree ordinance ...

1. Subd 3 limits the removal of **significant** trees and noxious trees may be removed without limitation, but the subdivision is silent on removal of **non-significant** trees. Staff has interpreted this to mean there is no limitation on removal of non-significant trees, but it would be helpful if the ordinance makes that clear.
2. **Non-significant** trees are required to be included in the tree preservation plan for calculating construction-related tree removal. This allows property owners to "game the system" and remove more diameter-inches of trees than would be possible if only significant trees were included in the plan and calculation. Also, requiring the inclusion of non-significant trees in tree preservation plans is inconsistent with subd 3, which only limits the removal of significant trees.

The only time the code requires that non-significant trees be considered is in construction-related removal. But, if non-significant trees aren't otherwise protected, it seems like they could easily be removed before or after construction. Why make property owners do that removal in multiple steps?

If the council is interested in protecting more trees, staff's preference would be to redefine significant trees, rather than have two classes of trees.

For the council's reference, the definition of a *significant tree* is a healthy tree, measuring a minimum of 10" in diameter (31" circumference) or greater for hardwood deciduous trees, 14" in diameter (44" circumference) or greater for softwood deciduous trees, or 12" in diameter (38" circumference) or greater for conifer / evergreen trees. The trunk diameter of significant trees shall be measured at 48" above grade or at the top of the remaining stump if already cut or harvested.

For the council's consideration, attached is an ordinance with proposed revisions to resolve the issues. If the council decides to move forward with the ordinance, the timeline is below ...

Timeline:

- 01-02-19 City council discusses potential revisions to the ordinance.
- 01-24-19 The public hearing notice is submitted to the Sun-Sailor for publication.
- 01-31-19 The public hearing notice is published in the Sun-Sailor (10+ days prior to planning commission meeting).
- 02-13-19 Planning commission holds public hearing and makes recommendation.
- 03-06-19 City council considers 1st reading of the ordinance (may make revisions / may waive 2nd reading).
- 03-07-19 If the 2nd reading is waived, the ordinance is submitted to the Sun-Sailor for publication.
- 03-14-19 If the 2nd reading is waived, the ordinance is published in the Sun-Sailor (goes into effect on this date).
- 04-03-19 City council considers 2nd reading of the ordinance (may make revisions).
- 04-04-19 The ordinance is submitted to the Sun-Sailor for publication.
- 04-11-19 The ordinance is published in the Sun-Sailor (goes into effect on this date).

Council Action: None required. Potential motions ...

1. I move the city council (1) approves the draft of the tree ordinance as written / with revisions as discussed; and (2) directs that the ordinance be placed on the 02-13-19 planning commission agenda for a public hearing and recommendation.
2. Do nothing (maintain current ordinance) or other motion ???

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

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ORDINANCE CODE SECTION 1140.80 REGARDING TREES**

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

SECTION 1.

Greenwood ordinance code section 1140.80 subdivisions 3-7 are amended to read as follows:

“Subd. 3. Property Owner Restrictions on Cutting of Trees.

- A. *Annual Permitted Tree Harvest* - No property owner or their employees, independent contractors, or agents, shall cut, kill, disease, or permit the killing or cutting or infection of significant trees (as defined in subdivision 2D above) upon their property in excess of the number listed on the below table in any 1 calendar year without a variance pursuant to section 1155 being first obtained. The removal of significant trees as listed on the below table in any 1 calendar year, shall constitute the “annual permitted tree harvest.”

Property size	Number of significant trees allowed to be removed in any 1 calendar year
Up to 1/4 acre (up to 10,890 sq ft)	1
1/4 acre+ to 1/2 acre (10,891 sq ft to 21,780 sq ft)	2
1/2 acre+ to 3/4 acre (21,781 sq ft to 32,670 sq ft)	3
3/4 acre+ to 1 acre (32,671 sq ft to 43,560 sq ft)	4
Follow the same pattern for properties larger than 1 acre	

- B. *Non-Significant Trees & Noxious Trees* may be cut or removed from property without limitation.
- C. *Tree Trimming* - A property owner may trim an otherwise healthy tree in such a manner as to manage its growth, improve its appearance, or eliminate branches which encroach upon structures and improvements without permit first obtained, provided, however, that such trimming does not cause the tree to become diseased or will likely cause the tree to die. In the event such trimming is likely to cause the tree to become diseased or die, such activity shall be counted against the property owner’s “annual permitted tree harvest” per subdivision 3A.

Subd. 4. Construction-Related Tree Cutting Permits. If the improvement of property necessitates the removal of trees for construction purposes, property owners and / or developers subsequent to issuance of a valid building permit may cut trees from a specific property in accordance with the following provisions, limitations, and conditions attached to such building permit:

- A. The property owner / developer shall be limited to the property owner’s “annual permitted tree harvest” per subdivision 3A in any given calendar year for construction-related tree cutting / harvesting, unless a permit under this subdivision is issued based upon a tree preservation plan prepared by the applicant and submitted to the attention of the building official in conjunction with a building permit application. The building permit application or a zoning code review shall not be considered complete unless and until a tree preservation plan has been submitted by the property owner, developer, or its agent.

~~B. *Limitations on Construction-Related Tree Cutting.* [This section reorganized to C and D below]~~

- ~~(1) The city building official and / or the zoning administrator may impose restrictions on construction-related tree trimming or cutting:

 - ~~(a) so as to preserve significant trees that would not otherwise need to be cut or harvested to permit access, grading, and construction-related activities;~~
 - ~~(b) of “significant trees” so as to preserve and protect same in the course of construction; and~~
 Significant trees lost in the course of access, grading, and construction-related activities must be replaced in accordance with the tree replacement schedule per subdivision 7.~~

- B. ~~G.~~ *Construction-Related Tree Cutting / Trimming Permit Types.* The following construction-related tree cutting / trimming permits may be issued by the city:

- (1) *Home Addition / Accessory Structure Construction.* In conjunction with an approved building permit to accommodate the expansion of an existing residence and / or the construction of an otherwise code permitted accessory structure, a property owner / developer may cut or remove up to 10% of the total diameter inches of **significant** trees on a property identified on a submitted tree preservation plan.

(2) *New Home Construction / General Property Development.* In conjunction with an approved building permit for a new home construction and / or the razing of an existing home and the construction of a new home thereat, a property owner / developer may cut or remove up to 20% of the total diameter inches of **significant** trees on a property identified on a submitted tree preservation plan.

~~B. C. *Limitations on Construction-Related Tree Cutting.* The city building official and / or the zoning administrator may impose restrictions on construction-related tree trimming or cutting so as to preserve significant trees that would not otherwise need to be cut or harvested to permit access, grading, and construction-related activities.~~

~~D. *Tree Replacement Required.* Significant trees cut down in excess of the maximum permitted under subdivision 3 hereof for construction-related tree cutting permits must ~~lost in the course of access, grading, and construction-related activities~~ be replaced in accordance with the tree replacement schedule per subdivision 7.~~

~~D. E. *Variance.* In the event planned construction activity would necessitate the cutting of more than 10% of total diameter inches of trees identified in the tree preservation plan in conjunction with a home addition or accessory structure construction, or more than 20% of total diameter inches of trees identified in the tree preservation plan in conjunction with a new home development or general development, a variance pursuant to section 1155 must be first obtained. The variance, if approved, shall be conditioned upon the planting of replacement trees in accordance with the tree replacement schedules of this code.~~

Subd. 5. Tree Preservation Plan Requirements. A tree preservation plan shall be prepared by a licensed land surveyor, civil engineer, arborist, landscape architect, or other person whose credentials are deemed acceptable by the city zoning administrator. Such tree preservation plan shall include the following:

A. A map (scale not less than 1" to 30') designating all existing structures, roads, utilities, driveways, and illustrating **all significant trees (excluding noxious trees)** by species:

- ~~(1) All deciduous trees (excluding noxious trees) on the property greater than~~
 - ~~— (a) 3 inches in diameter for hardwood trees, and~~
 - ~~— (b) 4 inches in diameter for softwood trees measured at 48" above grade; and~~
- ~~(2) All coniferous trees greater than 6 feet in height; and~~
- ~~(3) All significant trees (excluding noxious trees).~~

B. A written inventory of all trees included in the tree preservation plan map by type, size, and species and an indication of the trees that would be at risk or will be lost to grading and construction activities.

C. The tree preservation plan shall show how the remaining trees will be protected.

Subd. 6. Subdivision Approval - Tree Replacement. No simple subdivision or full plat subdivision shall be approved by the city council except on condition that:

A. All "Significant Trees"; ~~and~~

~~B. All trees to be~~ cut down in excess of the maximum permitted under subdivision ~~4 3~~ hereof for construction-related tree cutting permits shall be replaced in accordance with the tree replacement schedule below.

Subd. 7. Tree Replacement Schedule:

A. Replacement Trees Size Categories Defined:

Replacement Trees Size Categories Defined			
	Size of Replacement Trees Required Per Category		
	A	B	C
Deciduous Trees	Not Less than 2" in diameter	Not Less than 2.5" in diameter	Not Less than 3" in diameter
Coniferous Trees	Not Less than 6' in height	Not Less than 8' in height	Not Less than 10' in height

B. *Replacement of "Trees" or "Significant Trees."* Where replacement of a ~~tree or~~ significant tree is required, the property owner, and their agent, shall be responsible for furnishing and planting the number and size of tree(s) identified in Category A, Category B, or Category C of the following schedules:

Replacement of "Trees" or "Significant Trees"					
Size of Tree Damaged or Destroyed	Quantity of Replacement Trees Required Per Category				
	A	or	B	or	C
Coniferous: 1 1/2" diameter but less than 6' tall	1		—		—
Coniferous: 6' to 12' tall	2		4		—
Coniferous: 12' to 24' tall 12" to less than 22" diameter (38" to 69" circ.)	4		2		1
Coniferous: 24' or taller 22" diameter (69" circ.) or greater	8		4		2
Deciduous, Hardwood: 1 1/2" to less than 6" diameter (5" to 18" circ.)	3		2		4
Deciduous, Hardwood: 6" to less than 10" diameter (19" to 30" circ.)	4		3		2
Deciduous, Hardwood: 10" to less than 20" diameter (31" to 62" circ.)	4		2		1
Deciduous, Hardwood: 20" diameter (63" circ.) or greater	8		4		2
Deciduous, Softwood: 1 1/2" to less than 6" diameter (5" to 18" circ.)	3		2		4
Deciduous, Softwood: 6" to less than 14" diameter (19" to 43" circ.)	4		3		2
Deciduous, Softwood: 14" to less than 24" diameter (44" to 74" circ.)	4		2		1
Deciduous, Softwood: 24" diameter (75" circ.) or greater	8		4		2

- ~~A. C. Alternate Site.~~ In the event a property does not offer a reasonable site for planting of replacement trees on the property, the owner shall pay to the city the fair market value of each replacement tree required per the tree replacement schedule including installation costs as determined by the city's zoning administrator.
- ~~B. D. Source of Replacement Trees.~~ Replacement trees shall consist of "certified nursery stock" or state inspected transplant stock as defined by Minnesota statutes chapter 18 as amended.
- ~~C. E. Tree Survival.~~ Replacement trees shall be chosen with consideration given to the available soil types and available space such as to accommodate the anticipated natural growth and survival of the replacement tree."

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 _____, 2019.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana H. Young, City Clerk

First reading: _____, 2019
Second reading: _____, 2019
Publication: _____, 2019



Agenda Number: 9A

Agenda Date: 01-02-19

Prepared by Deb Kind

Agenda Item: Consider Request to Post No-Parking Signs by Meadville Lift Station

Summary: Greenwood resident, John Ekelund, 5085 Meadville Street, has requested that the city install two posts with "No Parking Between Signs" signs positioned on either side of the Meadville lift station near his property. Ekelund said, "The city keeps [the lift station area] plowed in the winter for access if there is a power outage, etc. [The problem is that] out-of-town vehicles, mostly pick up trucks, like to think they can park there nose in when they go out to ice fish."

The city code requires council approval to install street signage. Below is a motion for the council's consideration.

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

1. I move the city council (1) authorizes the installation of two posts with "No Parking Between Signs" signs positioned on either side of the Meadville lift station near 5085 Meadville Street; (2) directs that the signs be installed after the ground thaws; and (3) directs that the associated costs be paid from the general fund's sign budget.
2. Do nothing or other motion.



Agenda Number: **11A-E**

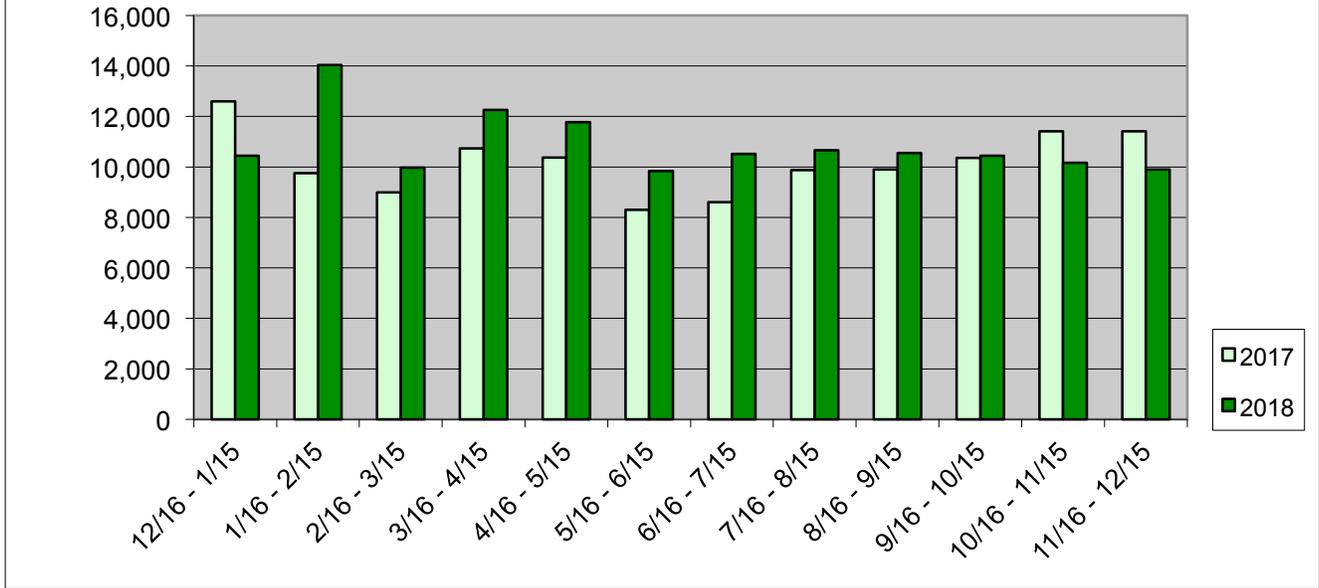
Agenda Item: Council Reports

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

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

Council Action: None required.

City of Greenwood
Website Total Hits



Month	2017	2018	Variance with Prior Month	Variance with Prior Year	Bulk Email List
12/16 - 1/15	12,599	10,441	-965	-2,158	173
1/16 - 2/15	9,758	14,039	3,598	4,281	173
2/16 - 3/15	8,996	9,974	-4,065	978	174
3/16 - 4/15	10,728	12,252	2,278	1,524	173
4/16 - 5/15	10,366	11,773	-479	1,407	173
5/16 - 6/15	8,301	9,836	-1,937	1,535	173
6/16 - 7/15	8,604	10,511	675	1,907	173
7/16 - 8/15	9,873	10,658	147	785	173
8/16 - 9/15	9,901	10,555	-103	654	173
9/16 - 10/15	10,357	10,439	-116	82	173
10/16 - 11/15	11,404	10,159	-280	-1,245	174
11/16 - 12/15	11,406	9,899	-260	-1,507	
AVERAGE	10,191	10,878			

POPULATION: 703
EMAIL ADDRESSES % OF POPULATION: 24.75%

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

Site Statistics

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

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

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

Begin Date

End Date

Report Name

Page Views by Section

Section	Page Views	Percent of Total
Default Home Page	6187	62.5%
Agendas, Minutes, Meeting Packets	624	6.3%
City Departments	289	2.92%
Welcome to Greenwood	248	2.51%
Planning Commission	234	2.36%
Code Book of Ordinances	173	1.75%
RFPs & Bids	167	1.69%
Mayor & City Council	151	1.53%
Assessments & Taxes	145	1.46%
Elections, Voting	108	1.09%
Budget & Finances	103	1.04%
Forms, Permits, Licenses	98	0.99%
Photo Gallery	87	0.88%
Links	80	0.81%
Spring Clean-Up Day	74	0.75%
Agendas, Minutes, Meetings	68	0.69%
Comp Plan	67	0.68%
Public Safety	67	0.68%
Garbage & Recycling	57	0.58%
St. Alban's Bay Lake Improvement District	56	0.57%
Lake Minnetonka	50	0.51%
Meetings	49	0.49%
Community Surveys	47	0.47%
Email Sign-Up	46	0.46%
Parks, Trails & Watercraft Amenities	43	0.43%
Watercraft Spaces	41	0.41%
SABLID Email Sign-Up	39	0.39%
Coyotes & Animal Services	37	0.37%
July 4th	31	0.31%
Search Results	30	0.3%
Toilet Drain Guide	29	0.29%

Fire Department	28	0.28%
Old Log Events	28	0.28%
Smoke Testing	28	0.28%
Emergency Preparedness	27	0.27%
Homesteading	26	0.26%
News, Events	25	0.25%
Luck O' the Lake	23	0.23%
Meetings on TV	23	0.23%
Tree Contractors	22	0.22%
Finances, Taxes, Assessments	22	0.22%
Sewer, Stormwater, Water, Garbage, Recycling	21	0.21%
Recreation, Amenities	21	0.21%
Tour de Tonka	19	0.19%
City Newsletters	19	0.19%
Library Events	17	0.17%
Well Water	15	0.15%
Christkindlsmarkt	10	0.1%
TOTAL	9899	100%

Unique IPs by Section

Section	Unique IPs	Percent of Total IPs
Default Home Page	2068	47.17%
Agendas, Minutes, Meeting Packets	247	5.63%
City Departments	218	4.97%
Welcome to Greenwood	145	3.31%
Code Book of Ordinances	107	2.44%
Mayor & City Council	99	2.26%
Planning Commission	96	2.19%
Assessments & Taxes	82	1.87%
Elections, Voting	80	1.82%
Forms, Permits, Licenses	72	1.64%
Photo Gallery	64	1.46%
Comp Plan	53	1.21%
Spring Clean-Up Day	51	1.16%
Public Safety	50	1.14%
Agendas, Minutes, Meetings	49	1.12%
St. Alban's Bay Lake Improvement District	44	1%
Garbage & Recycling	42	0.96%
Community Surveys	41	0.94%
Lake Minnetonka	41	0.94%
Parks, Trails & Watercraft Amenities	39	0.89%
Budget & Finances	39	0.89%
RFPs & Bids	39	0.89%
Email Sign-Up	37	0.84%
Meetings	37	0.84%
Watercraft Spaces	36	0.82%
Coyotes & Animal Services	33	0.75%
Links	33	0.75%
Toilet Drain Guide	27	0.62%
July 4th	26	0.59%
Fire Department	26	0.59%
Smoke Testing	26	0.59%
Emergency Preparedness	25	0.57%
SABLID Email Sign-Up	25	0.57%
Meetings on TV	23	0.52%
Old Log Events	23	0.52%
Luck O' the Lake	22	0.5%
Search Results	22	0.5%
Tree Contractors	21	0.48%
News, Events	21	0.48%

Recreation, Amenities	20	0.46%
Sewer, Stormwater, Water, Garbage, Recycling	20	0.46%
Homesteading	20	0.46%
City Newsletters	19	0.43%
Finances, Taxes, Assessments	18	0.41%
Tour de Tonka	18	0.41%
Library Events	16	0.36%
Well Water	14	0.32%
Christkindlsmarkt	10	0.23%
TOTAL	4384	100%

Generate Download File (.csv) for the current report: [Generate and Download](#)

Done



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, DECEMBER 12, 2018
7:00 P.M.**

1. CALL TO ORDER/ROLL CALL

Members Present: Chairman Pat Lucking, Kelsey Nelson, and David Steingas

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

Absent: Commissioners Dean Barta and Jennifer Gallagher

2. MINUTES – November 14, 2018

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

3. PUBLIC HEARINGS

3a. Consider variance and conditional use permit request of Roland and Rane Jacobus to encroach into the north and south side yard setbacks, and to regrade portions of the lake yard in conjunction with the construction of a new house at 5290 Meadville

Street.—Section 1120.15 of the Greenwood Zoning Code requires side yard setbacks of 8 feet. Section 1140.19 (2) requires a conditional use permit for any the grading or site/lot topography alteration request involving more than 200 square feet of surface area, or involving more than 7 cubic yards of material.

Lucking introduced the agenda item and opened the public hearing.

Ranee Jacobus, applicant, said that the existing house is nonconforming and 75 years old and that it is in need of many repairs. She said that the current structure is 36 feet wide and that the proposed house would be 30 feet wide and pulled away from the property lines by two feet on each side. She said that the house would be substantially on the same footprint. Jacobus said that the property has been neglected and the lakeshore is covered in buckthorn and that there are a lot of issues that need to be cleaned up. She said that the self-constructed walkout for the house has created structural and drainage issues. Jacobus said that they would completely clean up the lakeshore with old nonconforming structures and have a more ecologically sensitive approach to the property.

Jason Letourneau of Letourneau Design Associates, architect for the applicant, said that there are existing dock and retaining walls that are falling into the lake and that just cleaning up these issues would likely trigger the city process for grading.

Bob Newman of 5230 Meadville Street asked about the lateral movement of the house on the property. Letourneau said that it would be centered on the property with wider setbacks. Jacobus said that the structure would be 4 feet narrower.

Jeffrey Solum of 5280 Meadville Street said that anything is better than what is there now. He said that he likes that they are moving away from the property lines. He said that this house is in front of him by 24 feet and asked if the house could be moved back to match that setback. He said that it would be preferable if the houses were lined up.

Cooney said that the city could not require that the house be moved back. He said that, when houses are rebuilt they are typically built right up to the lake setback and that when the house at 5280 Meadville is rebuilt in the future, it would likely be built at the 50 foot setback too.

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Jacobus said that the existing garage would need to come down to construct the new house and wanted to get the planning commission's opinion on their preference if the garage were to be slightly relocated. She said that she did not think there was room to get it completely out of the right-of-way.

Lucking closed the public hearing.

Lucking asked what the law is around encroachments into the public right-of-way. Cooney said that he had thought this would be regulated as a legal nonconforming structure but that he would follow up with the city attorney.

Conrad said that she thought the proposal did a nice job.

Steingas said that he was less enthusiastic and that the rules are the rules. He said that he did not like the house within the setbacks or having the garage in the street. He said that they benefited from the hardcover of the garage in the street and that he also did not like the garage being right next to the neighbor's property.

Lucking said that they could not build a house that meets both the setback requirements and the minimum house width requirements. Steingas said that he understands.

Steingas asked about reducing to a two-car garage. Letourneau said that that would impact the value of the house. Jacobus said that several of the garages in this area are in the right-of-way.

Steingas said that he would like to see the garage be more conforming for fire and safety issues. Jacobus said that, given the cost of the neighborhood, and the size of the house, she would like the existing garage space for storage. She said that it is a wide garage, but not deep enough for storage. She said that it would make sense to move it against the marina property.

Lucking said that the garage issue is not part of this current request and the planning commission shouldn't get too sidetracked about that.

Jacobus said that there is a practical difficulty and that she could rebuild the existing house and still be on top of her neighbors and not be able to get to the back yard. She said that she tried to move towards conformance with the proposal.

Nelson said that she liked the house plan and that it would be an improvement.

Conrad said that brining the hardcover down from existing to be compliant is a huge accomplishment regardless of the garage issue.

Steingas said that he would have preferred a slightly narrower house that would be approximately five feet from the property lines, but that he was okay with it.

Lucking said that he likes the plan in that they moved it back from the property lines and kept it under the volume limitations.

Motion by Steingas to recommend approval of the request based on the recommendation and findings of staff. Motion was seconded by Nelson. Motion carried 3-0.

3b. Consider the conditional use permit request of Todd and Amy Wilkinson for 21800 Byron Circle to regrade the lake yard areas of the property —Section 1140.19 (2) of the City Zoning Code requires a conditional use permit for any the grading or site/lot topography alteration request involving more than 200 square feet of surface area, or involving more than 7 cubic yards of material.

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Lucking introduced the agenda item and opened the public hearing. Hearing no public comments, Lucking closed the public hearing.

Lucking said that he had difficulty understanding what is being proposed.

Cooney said that the applicant is proposing to repair and replace retaining walls within the bluff and that grading and new retaining walls are not allowed within the bluff area and bluff impact zone unless it is related to stairways. He said that there are also several existing nonconforming retaining walls that could be repaired/replaced, but not expanded.

Lucking said that it is unclear what is existing and what is proposed. He said that he would prefer to have the plans updated and review it at the next meeting.

Motion by Steingas to take an additional 60 days to review the request based on the fact that the plans did not clearly identify the extent of the work. Motion was seconded by Lucking. Motion carried 3-0.

3c. Consider preliminary plat application (subdivision) request of Lesley J. Adam, consultant for the homeowners, to reconfigure the property lines for the properties at 5155 Weeks Road, 4940 St. Albans Bay Road, and 4950 St. Albans Bay Road.— The request is governed by Chapter 6 of the Greenwood Code of Ordinances.

Lucking introduced the agenda item and opened the public hearing.

Leslie Adam, applicant for the property owners, said that this was a replat of existing lots and that no new lots were being created. She said that there would be no expansion or creation of any nonconformities.

Nelson asked about 4940 St. Albans Bay Road that has a lot for sale. Adam said that that listing is what prompted this lot reconfiguration.

Lucking asked if the property owners were still planning to subdivide 4940 St. Albans Bay Road. She said that any future sale or subdivision of that property is beyond the scope of this transaction.

Steingas said that the replat helps a great deal by getting rid of one lake flag lot and making a better property at 5155 Weeks Road.

Nelson said that she thought it was a good proposal.

Conrad asked if there had been consideration in removing the flag access to 4950 St. Albans Bay Road and having access off of Weeks. Adam said that had not been considered. Steingas said that there was a severe grade change and that the access would be difficult. Conrad said she thought it would be a cleaner parcel.

Lucking closed the public hearing.

Motion by Steingas to approve the request based on the recommendation and findings of staff. Motion was seconded by Nelson. Motion carried 3-0.

4. NEW BUSINESS

5. LIAISON REPORT

Conrad said that she picked up the wrong packet when she left the house and asked if Cooney would summarize the city council decisions from last week.

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Cooney said that the simple subdivision request at 5135 and 5125 Weeks Road was approved.

Cooney said that the CUP grading request at 4980 Meadville Street was also approved. He noted that the city council would like to see any required stormwater mitigation for a proposal prior to it going before the city council.

Cooney said that the CUP request for grading and a pool at 5175 Queens Circle was approved and that the applicants provided the required mitigation to keep the expanded runoff on the property.

Cooney said that the CUP and variance request at 5260 Meadville Street was approved. He said that the applicant revised the building volume to be less and that the city council felt that a practical difficulty was warranted in this case due to the exposed lower level.

Cooney said that the updated grading ordinance was approved and that a CUP was triggered when a project increased or decreased the average grade (existing compared to final conditions) by more than 1 foot in any 300 square foot area.

6. ADJOURN

Motion by Steingas to adjourn the meeting. Nelson seconded the motion. Motion carried 3-0. The meeting was adjourned at 8:23 p.m.

Respectively Submitted,
Dale Cooney - Zoning Administrator