

# AGENDA

## Greenwood City Council Meeting

Wednesday, May 1, 2019

20225 Cottagewood Road, Deephaven, MN 55331



Hearing devices are available from the recording technician.

The public is invited to speak when items come up on the agenda (comments are limited to 3 minutes).

The public may speak regarding other items during Matters from the Floor (see below).

7:00pm 1. CALL TO ORDER | ROLL CALL | APPROVE MEETING AGENDA

7:01pm 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: 04-03-19 City Council Meeting Minutes
- B. Approve: Mar Cash Summary Report
- C. Approve: Mar Certificates of Deposit Report
- D. Approve: Apr Verifieds, Check Register, Electronic Fund Transfers
- E. Approve: May Payroll Register
- F. Approve: Contract for Loose Weed Removal
- G. Approve: Public Access Procedures
- H. Approve: 1st Reading, Waive 2nd Reading, Ord 288 Amending Time to Record Subdivisions

7:05pm 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.*

7:10pm 4. PRESENTATIONS, REPORTS, GUESTS, AND ANNOUNCEMENTS

- A. Legislative Update: Senator Dave Osmeck
- B. Quarterly Report: Chief Mike Meehan, South Lake Minnetonka Police Department
- C. City Engineer: Dave Martini, 2019 Engineering Projects
- D. Announcement: Spring Clean-Up Day is 05-18-19 (items need to be curbside by 7am)

NONE 5. PUBLIC HEARINGS

NONE 6. ACTION RELATED TO PUBLIC HEARINGS

7:45pm 7. PLANNING, ZONING & SUBDIVISION ITEMS

- A. Consider: Res 21-19, Conditional Use Permit Findings, McQuinn, 4900 Meadville Street
- B. Consider: Res 22-19, Variance Findings and Res 23-19, Conditional Use Permit Findings, Krezowski, 5130 Meadville Street

NONE 8. UNFINISHED BUSINESS

NONE 9. NEW BUSINESS

NONE 10. OTHER BUSINESS

8:15pm 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, Public Works Committee, Mayors' Meetings, Website
- E. Roy: Minnetonka Community Education

8:30pm 12. ADJOURNMENT



**Agenda Item:** Consent Agenda

**Summary:** The 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 consent agenda items for further discussion. Removed items will be placed under Other Business on the agenda.

The consent agenda items are included in the hard copy of the full council packet and in the electronic version of the packet available at [www.greenwoodmn.com](http://www.greenwoodmn.com).

**Council Action:** Required. Possible motion ...

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

# MINUTES

## Greenwood City Council Meeting

Wednesday, April 3, 2019

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

Members Absent: Rob Roy

Staff Members Present: City Engineer Dave Martini

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

### 2. CONSENT AGENDA

A. Approve: 03-06-19 City Council Meeting Minutes

B. Approve: 03-06-19 City Council / Assessor Worksession Minutes

C. Approve: Feb Cash Summary Report

D. Approve: Feb Certificates of Deposit Report

E. Approve: Mar Verifies, Check Register, Electronic Fund Transfers

F. Approve: Apr Payroll Register

G. Approve: July 4th Contribution to Chamber of Commerce

**Consent Agenda Motion: Authorization to direct the city treasurer to disburse a check in the amount of \$1,500 to the Excelsior - Lake Minnetonka Chamber of Commerce for the 2019 July 4th Celebration Fund.**

H. Approve: 2018 State Auditor Submission Reports

I. Approve: Res 17-19 Greenwood Local Surface Water Management Plan

J. Approve: Res 18-19 Updating Appointments & Assignments

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

### 3. MATTERS FROM THE FLOOR

A. None

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

A. Presentation: Senator Osmek, Legislative Update

*Senator Osmek was unable to attend the 04-03-19 council meeting. He is planning to attend the 05-01-19 meeting.*

B. Presentation: Jim Lundberg, Lake Minnetonka Communications Commission Update

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

C. Announcement: Local Board of Appeal & Equalization Meeting, 6pm, Thursday, 04-11-19

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

D. City Engineer Dave Martini: 2019 Engineering Projects

**Motion by Kind to add "City Engineer: Dave Martini 2019 Engineering Projects" to agenda as item 4D. Second by Cook. Motion passed 4-0.**

**Motion by Cook to authorize the mayor to contact the Newmans and Larsons regarding revisiting the easement agreement for the city to maintain the canal between their properties that allows drainage from Meadville Street to Lake Minnetonka. Second by Fletcher. Motion passed 4-0.**

**Motion by Kind to authorize the city engineer to secure bids for citywide patching, sealcoating, and stormwater management projects as discussed and authorize the public works committee to add projects to the bid list as needed. Second by Fletcher. Motion passed 4-0.**

5. PUBLIC HEARINGS

A. Public Hearing: Stormwater Pollution Prevention Program

**Motion by Fletcher that the city council opens the Stormwater Pollution Prevention Program Annual Public Hearing. Second by Conrad. Motion passed 4-0.**

*No one spoke during the public hearing opportunity.*

**Motion by Fletcher that the city council closes the Stormwater Pollution Prevention Program Annual Public Hearing. Second by Conrad. Motion passed 4-0.**

6. ACTION RELATED TO PUBLIC HEARINGS

A. None

7. PLANNING & ZONING ITEMS

A. 2nd Reading: Ord 286 Revisions to Tree Ordinance, Section 1140.80 and Res 15-19 a Summary of Ord 286 for publication

**Motion by Fletcher that the city council (1) approves the 2nd reading of ordinance 286 amending the city's zoning code section 1140.80 regarding construction related tree removal as amended with 5, not 4, for the quantity of replacement trees under column A for conifers 12" to less than 20" diameter (38" to 74" circ); (2) approves summary resolution 15-19; and (3) directs that summary resolution 15-19 be submitted to the Sun-Sailor for publication. Second by Conrad. Motion passed 4-0.**

B. Consider: New Language for 2040 Comprehensive Plan

**Motion by Fletcher that the city council approves the draft of the 2040 Comprehensive Plan as discussed and authorizes staff to submit the document to the Metropolitan Council and whoever else needs it. Second by Cook. Motion passed 4-0.**

C. 1st Reading: Ord 287 Amending Subdivision Ordinance, Section 600.20, Regarding Lot Dimensions and Res 19-19 a Summary of Ord 286 for publication

**Motion by Fletcher that the city council (1) approves the 1st reading of ordinance 287 amending the city's subdivision code section 600.20 regarding lot dimensions; waives the 2nd reading; (2) approves summary resolution 19-19; and (3) directs that summary resolution 19-19 be submitted to the Sun-Sailor for publication. Second by Cook. Motion passed 4-0.**

8. UNFINISHED BUSINESS

A. None

9. NEW BUSINESS

A. None

10. OTHER BUSINESS

A. None

11. COUNCIL REPORTS

A. Conrad: Planning Commission

**No council action taken. View report at [LMCC-TV.org](http://LMCC-TV.org).**

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](http://LMCC-TV.org).**

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

**No council action taken. View report at [LMCC-TV.org](http://LMCC-TV.org).**

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

**Motion by Fletcher to raise the allowable certificate of deposits balance to \$900,000 to allow for interest growth. Second by Conrad. Motion passed 4-0.**

**Mayor Kind reported that the city's 2 Snapper Crossing signs were stolen. The consensus of the city council was to NOT replace the signs.**

*View report at [LMCC-TV.org](http://LMCC-TV.org).*

E. Roy: Minnetonka Community Education

**No report, since Roy was not at the meeting.**

## 12. ADJOURNMENT

**Motion by Kind to adjourn the meeting at 8:44pm. Second by Fletcher. Motion passed 4-0.**

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

## GREENWOOD CERTIFICATES OF DEPOSIT

**Report Date**      **3/31/19**

<b>Acct #</b>	<b>Bank</b>	<b>Date</b>	<b>Term</b>	<b>Maturity</b>	<b>Rate</b>	<b>Amount</b>
x237	Bridgewater Bank	11/08/18	18 Month	05/08/20	2.48%	\$ 131,631.60
x238	Bridgewater Bank	03/08/19	18 Month	09/08/20	2.82%	\$ 131,620.46
x239	Bridgewater Bank	05/08/18	12 Month	05/08/19	1.74%	\$ 131,717.96
x240	Bridgewater Bank	05/08/18	16 Month	09/08/19	1.74%	\$ 131,717.96
x241	Bridgewater Bank	05/08/18	18 Month	11/08/19	2.08%	\$ 132,055.41
x242	Bridgewater Bank	05/08/18	22 Month	03/08/20	2.08%	\$ 132,055.41
<b>TOTAL</b>						<b>\$ 790,798.80</b>

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

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

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

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

*04-03-19 Motion by Fletcher to raise the allowable certificate of deposits balance to \$900,000 to allow for interest growth. Second by Conrad. Motion passed 4-0.*

Check Issue Date(s): 04/01/2019 - 04/30/2019

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
04/19	04/10/2019	11234	51	BOLTON & MENK, INC.	101-20100	831.00
04/19	04/10/2019	11235	762	CATALYST GRAPHICS INC	101-20100	84.00
04/19	04/10/2019	11236		Information Only Check	101-20100	.00 V
04/19	04/10/2019	11237	9	CITY OF DEEPHAVEN	502-20100	17,991.11
04/19	04/10/2019	11238	757	CliftonLarsonAllen, LLP	101-20100	1,000.00
04/19	04/10/2019	11239	822	ECM PUBLISHERS INC	101-20100	315.35
04/19	04/10/2019	11240	52	EXCELSIOR FIRE DISTRICT	101-20100	36,608.71
04/19	04/10/2019	11241	68	GOPHER STATE ONE CALL	602-20100	5.40
04/19	04/10/2019	11242	850	KENNEDY, GRAVEN, CHARTERED	101-20100	82.50
04/19	04/10/2019	11243	886	KENNETH N. POTTS, P.A.	101-20100	400.00
04/19	04/10/2019	11244	816	LABEL PRODUCTS	101-20100	414.12
04/19	04/10/2019	11245	105	METRO COUNCIL ENVIRO SERVICES	602-20100	2,323.07
04/19	04/10/2019	11246	216	QUALITY FLOW SYSTEMS INC	602-20100	400.50
04/19	04/10/2019	11247	893	REPUBLIC SERVICES #894	101-20100	1,926.55
04/19	04/10/2019	11248	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	27,913.25
04/19	04/10/2019	11249	797	TONKA PRINTING COMPANY	101-20100	158.00
04/19	04/10/2019	11250	145	XCEL ENERGY	101-20100	429.10
Totals:						<u>90,882.66</u>

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

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
<b>BOLTON &amp; MENK, INC.</b>					
51	BOLTON & MENK, INC.	0231432	2019 DEVELOPMENT REVIEW	03/31/2019	342.00
		0231433	2019 MISC ENGINEERING	03/31/2019	322.00
		0231434	2019 STREET IMPROVEMENTS	03/31/2019	167.00
Total BOLTON & MENK, INC.					831.00
<b>CATALYST GRAPHICS INC</b>					
762	CATALYST GRAPHICS INC	23157	CITY NEWSLETTER	03/14/2019	84.00
Total CATALYST GRAPHICS INC					84.00
<b>CITY OF DEEPAHVEN</b>					
9	CITY OF DEEPAHVEN	APRIL 2019	RENT & EQUIPMENT	04/01/2019	487.45
			Postage		205.30
			COPIES		161.20
			SEWER		1,249.20
			SNOW PLOWING/SANDING/SALT		2,012.02
			STREETS		503.80
			STORM SEWERS		241.60
			Clerk Services		3,232.80
			ZONING		508.62
			1/2 NEWSLETTER SHIP FEE		7.50
			SCHOOL DISTRICT LUNCH		56.64
			1st Qtr Building Permits		9,324.98
Total CITY OF DEEPAHVEN					17,991.11
<b>CliftonLarsonAllen, LLP</b>					
757	CliftonLarsonAllen, LLP	2059004	ST AUDITOR REPORTING FEE	03/28/2019	1,000.00
Total CliftonLarsonAllen, LLP					1,000.00
<b>ECM PUBLISHERS INC</b>					
822	ECM PUBLISHERS INC	680351	LEGAL NOTICE	03/21/2019	83.30
		682072	LEGAL NOTICE	03/28/2019	107.10
		682073	LEGAL NOTICE	03/28/2019	59.50
		682074	LEGAL NOTICE	03/28/2019	65.45
Total ECM PUBLISHERS INC					315.35
<b>EXCELSIOR FIRE DISTRICT</b>					
52	EXCELSIOR FIRE DISTRICT	2ND QTR 2019	2nd Quarter - Buildings	04/01/2019	15,291.60
			2nd Quarter - Operations		21,317.11
Total EXCELSIOR FIRE DISTRICT					36,608.71
<b>GOPHER STATE ONE CALL</b>					
68	GOPHER STATE ONE CALL	9030429	Gopher State calls	03/31/2019	5.40
Total GOPHER STATE ONE CALL					5.40
<b>KENNEDY, GRAVEN, CHARTERED</b>					
850	KENNEDY, GRAVEN, CHARTERED	03 06 19	LEGAL SERVICES	03/06/2019	82.50
Total KENNEDY, GRAVEN, CHARTERED					82.50
<b>KENNETH N. POTTS, P.A.</b>					
886	KENNETH N. POTTS, P.A.	MARCH 2019	PROSECUTION SVCS	04/01/2019	400.00

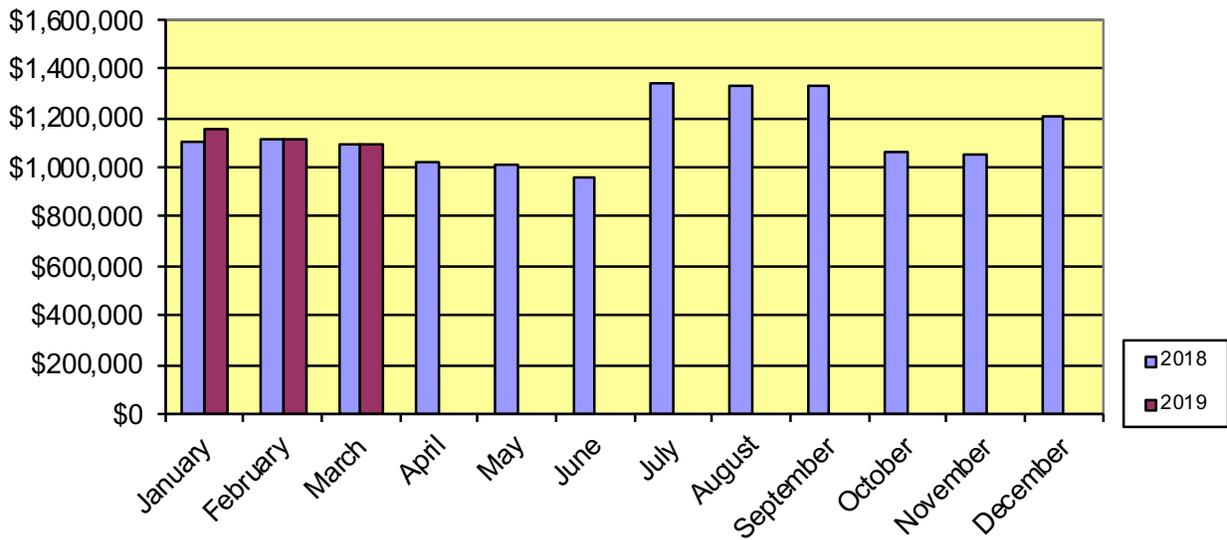
Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
	Total KENNETH N. POTTS, P.A.				400.00
<b>LABEL PRODUCTS</b>					
816	LABEL PRODUCTS	92843	PARKING STICKERS	03/20/2019	414.12
	Total LABEL PRODUCTS				414.12
<b>METRO COUNCIL ENVIRO SERVICES</b>					
105	METRO COUNCIL ENVIRO SERV	0001094805	Monthly wastewater Charge	04/02/2019	2,323.07
	Total METRO COUNCIL ENVIRO SERVICES				2,323.07
<b>QUALITY FLOW SYSTEMS INC</b>					
216	QUALITY FLOW SYSTEMS INC	36661	LIFT STN REPAIR	03/04/2019	400.50
	Total QUALITY FLOW SYSTEMS INC				400.50
<b>REPUBLIC SERVICES #894</b>					
893	REPUBLIC SERVICES #894	0894-004851240	RECYCLING SVCS	03/15/2019	1,926.55
	Total REPUBLIC SERVICES #894				1,926.55
<b>SO LAKE MINNETONKA POLICE DEPT</b>					
38	SO LAKE MINNETONKA POLICE	APR 1 19	Hennepin Co. Processing Fees	04/01/2019	75.00
		APR 2019	DEBT SERVICE	04/01/2019	11,504.00
		APRIL 1 19	2019 OPERATING BUDGET	04/01/2019	16,334.25
	Total SO LAKE MINNETONKA POLICE DEPT				27,913.25
<b>TONKA PRINTING COMPANY</b>					
797	TONKA PRINTING COMPANY	4581	PAPER SUPPLIES	03/11/2019	158.00
	Total TONKA PRINTING COMPANY				158.00
<b>XCEL ENERGY</b>					
145	XCEL ENERGY	03 25 19	Street Lights *	03/25/2019	408.25
			4925 MEADVILLE STREET *		8.67
			SIREN		3.50
			Sleepy Hollow Road *		8.68
	Total XCEL ENERGY				429.10

Total Paid: 90,882.66

Total Unpaid: -

Grand Total: 90,882.66

## City of Greenwood Monthly Cash Summary



Month	2018	2019	Variance with Prior Month	Variance with Prior Year
January	\$1,109,319	\$1,160,255	-\$50,044	\$50,936
February	\$1,112,677	\$1,113,218	-\$47,037	\$541
March	\$1,093,832	\$1,093,116	-\$20,102	-\$716
April	\$1,026,926		-\$1,093,116	-\$1,026,926
May	\$1,015,367		\$0	-\$1,015,367
June	\$963,832		\$0	-\$963,832
July	\$1,343,594		\$0	-\$1,343,594
August	\$1,334,231		\$0	-\$1,334,231
September	\$1,336,282		\$0	-\$1,336,282
October	\$1,063,710		\$0	-\$1,063,710
November	\$1,056,473		\$0	-\$1,056,473
December	\$1,210,299		\$0	-\$1,210,299

Bridgewater Bank Checking	\$26,187
Bridgewater Bank Money Market	\$276,130
Bridgewater Bank CD's	\$790,799
	<b>\$1,093,116</b>

### **ALLOCATION BY FUND**

General Fund	\$393,849
Special Project Fund	\$6,476
General Fund Designated for Parks	\$14,580
Bridge Capital Project Fund	\$181,274
Road Improvement Fund	(\$6,824)
Stormwater Fund	\$28,046
Sewer Enterprise Fund	\$362,129
Marina Enterprise Fund	\$113,636
	<b>\$1,093,116</b>

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Description	GL Account	Amount
05/01/19	PC	05/01/19	5011901	CONRAD, KRISTI	39		001-10101	286.53
05/01/19	PC	05/01/19	5011902	COOK, WILLIAM B.	37		001-10101	286.53
05/01/19	PC	05/01/19	5011903	Fletcher, Thomas M	33		001-10101	186.53
05/01/19	PC	05/01/19	5011904	Kind, Debra J.	34		001-10101	429.80
05/01/19	PC	05/01/19	5011905	ROY, ROBERT J.	38		001-10101	286.53
Grand Totals:								<u>1,475.92</u>



**Agenda Number: 2F**

**Agenda Date: 05-01-19**

*Prepared by Deb Kind*

**Agenda Item:** Consider Proposals for Weed Removal at City Docks

**Summary:** At the March city council meeting, the council authorized the city clerk to secure bids for a “per 6cf wheelbarrow” rate for ongoing removal of loose weeds that accumulate along the shore by the city docks and Meadville boat launch.

The city only received one bid from the Dive Guys (same provider as last year). The only change in the below bid is the minimum cost per visit is \$200 vs \$150 last year.

	Cost Per 6cf Load	Minimum Cost Per Visit	Maximum Cost Per Hour	Notes
<b>Dive Guys</b>	\$10	\$200	\$300	Requires notice of 3 business days

If the council wishes to discuss this topic further, it will need to be removed from the consent agenda.

**Consent Agenda Motion:**

I move the council approves the proposal from Dive Guys to provide ongoing removal of loose weeds that at the city docks and Meadville boat launch during the summer of 2019 to be paid from the city marina fund.



## **City of Greenwood Cleanup Proposal:**

### **Greenwoods Dock Slips/Shoreline and Meadville Launch**

#### **Cost Per 6 cubic feet wheelbarrow = \$10/load**

It is our best estimate that a 4 man crew would be able to collect and dispose of 30 loads per hour, in load sizes of 6 cubic feet wheelbarrow. A typical hourly rate for a 4 man crew is \$300/hr. We arrived at \$10/bag by dividing our hourly rate by the amount of loads we feel we can get done in an hour.

#### **Minimum Cost Per Visit = \$200/visit**

In order to cover our overhead costs, a minimum rate of \$200/visit will be applied for visits that result in 15 hauls or less

#### **Maximum Cost Per Hour = \$300/hr**

In the event our crew is able to haul more than 30 load/hr, a maximum hourly rate of \$300/hr will be applied so we do not exceed our proposal estimates.

#### **Notification in Advance = 3 business days**

We require in allowance of 3 business days from when you contact us to when we will get out there to remove the weeds.



Agenda Number: **2G**

## **CITY OF GREENWOOD NOTICE**

*As required by ordinance code section 125, the Greenwood city council appoints city clerk Dana Young as the “responsible authority” for the city.*

*The responsible authority answers inquiries from the public concerning the provision or dissemination of government data. The responsible authority also is charged with creating an inventory of data that the city maintains.*

*All data is presumed public data unless specifically determined confidential or private by state or federal law.*

*Updated May 1, 2019*



Agenda Number: **2G**

## **CITY OF GREENWOOD NOTICE**

*As required by ordinance code section 125, the Greenwood city council appoints city clerk Dana Young as the “responsible authority” for the city.*

*The responsible authority answers inquiries from the public concerning the provision or dissemination of government data. The responsible authority also is charged with creating an inventory of data that the city maintains.*

*All data is presumed public data unless specifically determined confidential or private by state or federal law.*

*Updated May 1, 2019*



Agenda Number: **2H**

Agenda Date: **05-01-19**

Prepared by Dale Cooney

**Agenda Item:** Ordinance 288 revisions to section 600.15 regarding final plat recording requirements.

**Summary:** The current subdivision code requires that all approved final plats be recorded within 30 days after the date of approval. In the opinion of staff, that timeline is too short considering the logistics for getting a plat recorded. If there are multiple property owners involved in a plat (such as the recent Fraeunshuh plat), this complicates the situation even further since multiple property-related transactions may need to take place prior to recording of the final plat. Staff understands the city's desire to prevent unrecorded plats from languishing, but there is no inherent time sensitivity for the recording of the plat. Staff would suggest a 6 month timeline for recording.

**Timeline:**

05-01-19 City council considers 1st reading of the ordinance (may make revisions / may waive 2nd reading).

05-02-19 If the 2nd reading is waived, the ordinance is submitted to the Sun-Sailor for publication.

05-09-19 If the 2nd reading is waived, the ordinance is published in the Sun-Sailor (goes into effect on this date).

06-05-19 City council considers 2nd reading of the ordinance (may make revisions).

06-06-19 The ordinance is submitted to the Sun-Sailor for publication.

06-13-19 The ordinance is published in the Sun-Sailor (goes into effect on this date).

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

Consent agenda motion:

1. I move the city council (1) approves the first reading of ordinance 288 amending the city's subdivision code section 600.15 regarding final plat recording requirements as written / as amended; (2) waives the second reading; and (3) directs that the ordinance be submitted to the Sun-Sailor for publication.

Other motions, if ordinance is pulled from the consent agenda for further discussion:

2. I move the city council (1) approve the first reading of ordinance 288 amending the city's subdivision code section 600.15 regarding final plat recording requirements as written / as amended; and (2) directs that the ordinance be placed on the June council agenda for a 2nd reading.
3. 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 600.15 REGARDING FINAL PLAT RECORDING REQUIREMENTS**

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

SECTION 1.

Greenwood ordinance code section 600.15, Subd. 1(F) is amended to read as follows:

- F. If the final plat is approved by the council, the subdivider shall record it with the county registrar of deeds or registrar of titles within ~~30 days~~ 6 months after the date of approval; otherwise the approval shall be considered void.

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: 4A**

**Agenda Date: 05-01-19**

*Prepared by Deb Kind*

**Agenda Item:** Senator Osmek, Legislative Update

**Summary:** Senator Osmek will attend the 04-03-19 council meeting to present a legislative update to the city council.

**Council Action:** No action required



**Agenda Number: 4B**

**Agenda Date: 05-01-19**

*Prepared by Deb Kind*

**Agenda Item:** Quarterly Police Update, Chief Michael Meehan

**Summary:** Per the city council's request, a representative from the South Lake Minnetonka Police Department attends Greenwood council meetings on a quarterly basis to give the council a brief update regarding police activities in the city and South Lake area. This also is an opportunity for the council to have a discussion with a SLMPD representative regarding police issues and concerns. Quarterly police updates are presented at the February, May, August, and November council meetings.

**Council Action:** None required.



Agenda Number: **4C**

Agenda Date: **05-01-19**

Prepared by *Deb Kind*

**Agenda Item:** Dave Martini, 2019 Engineering Projects

**Summary:** City Engineer Dave Martini will attend the city council meeting to discuss 2019 engineering projects.

Below are city fund balances as of **03-31-19** that may be used for any city purpose:

<b>\$362,129</b>	<i>Sewer Enterprise Fund</i> (interfund transfer OUT code 602-43200-720)
<b>\$28,046</b>	<i>Stormwater Special Revenue Fund</i> (interfund transfer OUT code 502-43200-720)
<b>\$181,274</b>	<i>Bridge Capital Project Fund</i> (capital outlay 403-45100-530)
<b>\$117,176</b>	<i>Road Improvement Fund</i> – Includes \$124,000 from 2019 general fund budget to be transferred to the road improvement fund minus the negative – \$6,824 current road improvement fund balance (capital outlay 404-45100-100)
<b>\$4,000</b>	<i>2019 Contingency Budget</i> (General Fund code 101-49000-439)

In addition, below is the General Fund Reserve balance as of 12-31-18. Reserve funds may be used for any city purpose:

<b>\$541,528</b>	<i>General Fund Reserves</i> (interfund transfer OUT code 101-43200-500) – This number is approximately 70.68% of operating expenditures. Goal is 35-50%.
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County Aid to Municipalities: In 1957, Hennepin County established a County Aid to Municipalities (CAM) program to provide financial assistance for roadways and bridges to cities with populations under 5,000. Typically the funding is between \$1,000 and \$3,000 per year. The city must submit a project approval form to receive the funds.

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

1. I move the city council (1) approves the bid(s) from \_\_\_\_ in the amount of \$\_\_\_\_\_ to complete the 2019 engineering projects; (2) authorizes payment to \_\_\_\_ from the Road Improvement Fund; (3) authorizes the city treasurer to transfer \$\_\_\_\_\_ from the \_\_\_\_\_ Fund (code \_\_\_\_\_) to the Road Improvement Fund (interfund transfer IN code 404-36230); and (4) authorizes the city engineer to submit the project approval form to receive CAMA funds for the city's 2019 road projects.
2. Do nothing or other motion ???



Agenda Number: **7A**

Agenda Date: **05-01-19**

Prepared by Dale Cooney

**Agenda Item:** Consider: Res 21-19, Findings for Conditional Use Permit Request, Alvin E. McQuinn Revocable Trust, 4900 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 03-28-19. The planning commission held a public hearing at their 04-10-19, 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, and 1150.20 conditional use permit criteria as well as any conditions in the motion.

**Planning Commission Action:** Motion by Lucking to approve the plan based on the recommendation, findings, and conditions of staff. Motion was seconded by Steingas. Motion carried 3-0.

**Key Dates:**

Application complete:	March 15, 2019
Notice of Public Hearing published:	March 28, 2019
Planning Commission Public Hearing:	April 10, 2019
City Council Consideration:	May 1, 2019
60-Day Deadline:	May 14, 2019
120-Day Deadline:	July 13, 2019

**Council Action:** The city council must take action by 05-14-19. Possible motions ...

1. I move the city council adopts resolution 21-19 laying out the findings of fact **APPROVING** the conditional use permit request of Alvin E. McQuinn Revocable Trust , 4900 Meadville Street, as proposed. I further move the council directs the city staff 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 request of Alvin E. McQuinn Revocable Trust, 4900 Meadville Street, to be considered at the June 3, 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 Alvin E. McQuinn Revocable Trust, 4900 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 statue 15.99 requires a council decision within 60 days. The council may approve or modify a request based on verbal findings of fact and the applicant may proceed with their project. However, if the council denies the request, the council must state in writing the reasons for denial at the time that it denies the request. The council may extend the 60-day time limit by providing written notice to the applicant including the reason for the extension and its anticipated length (may not exceed 60 additional days unless approved by the applicant in writing).*



**Agenda Item:** Consider the conditional use permit request of the Alvin E. McQuinn Revocable Trust, property owners, to regrade the property 4900 Meadville Street.

**Summary:** Applicants purchased the property in June of 2018. A demolition permit was issued to remove the existing house on the property. The demolition permit allowed the applicants to backfill the area left by the house and driveway and generally bring up the grade of the demolition areas to that of the adjacent grade. Subsequent to demolition, the applicants brought in fill in excess of that which would have been permitted under the demolition permit or without a conditional use permit. The property is currently in an interim condition with some new fill brought in, but some top soil yet to be brought in as well. The grade for existing conditions is not final. Final grade will match that shown on the submitted site plan.

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. A total of 740 cubic yards is proposed to be added in order to make the elevation of the property near the street more comparable to the street elevation and gradually taper the property to the lake. The previous conditions on the property created a situation where there was a low area at the front of the house creating drainage issues in the front yard, and this grading proposal attempts to remedy that situation.

Swales are proposed for both the east and west sides of the property, with the west side hosting a city drainage easement. The city engineer would like the west side swale to stay within the boundaries of the drainage easement which would allow the city to maintain the swale should it be necessary. The neighbors to the west are concerned about the proposed grading since it could impact their property, particularly the detached garage and a basement entry adjacent to the drainage swale.

Per city engineer review, the proposed swale generally maintains the contour elevations near the basement entry that are similar to existing conditions and should not impact the basement entry. Grading at the street should be maintained since it preserves the delicate balance of keeping the water away from the adjacent garage. Due to the elevation changes, the existing catch basin arrangement would have to be exchanged for a simple curb cut. This would eliminate any pipe in the easement and utilize the full extent of the swale for drainage off of the street.

**Staff Recommendation:**

Staff recommends approval with conditions of the conditional use permit request of Alvin E. McQuinn Revocable Trust, property owners, to regrade the property at 4900 Meadville Street. 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.
- 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.

And subject to the following conditions:

- A. Applicants will comply with the recommendations of the city engineer.

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

Date application submitted	
Date application complete (office use only)	
Property address	4900 Meadville Street
Property identification number (PID)	2611723240033
Property owner's current mailing address	21940 Minnetonka Blvd., Greenwood, MN 55331
Names of all property owners	Alvin E. McQuinn Revocable Trust
Cell phone and email of property owner(s)	952-929-2022
Name of builder / architect (if any)	
Company name of builder / architect	Mathews Vasek Construction
Cell phone and email of builder / architect	320-510-0932
Company address	1040 Adams St. SE, Suite 2, Hutchinson, MN 55350
Present use of property	Land
Property acreage	.63
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 type="checkbox"/> Replace <input checked="" type="checkbox"/> Other: Fill
The CUP is being requested to (e.g. install a swimming pool)	Satisfy backfill requirements

**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](http://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 checked="" type="checkbox"/> Yes <input 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: 	Date: 2-25-19
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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: 2-25-19
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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.

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

For Office Use Only	Fee Paid: <input type="checkbox"/> Cash <input type="checkbox"/> Check #:	Amount \$
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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](http://www.greenwoodmn.com).

Property Owner(s)	Alvin E. McQuinn Revocable Trust
Property Address	4900 Meadville Street

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	
Property Owner's Mailing Address	21940 Minnetonka Blvd., Greenwood, MN 55331
Property Owner's Phone Number	952-929-2022
Property Owner's Email	
Contractor or Builder / Architect Name	Mathews Vasek Construction
Contractor or Builder / Architect Address	1040 Adams St. SE, Suite 2, Hutchinson, MN 55350
Contractor or Builder / Architect Phone	320-510-0932
Contractor or Builder / Architect Email	JustinJ@MathewsVasekConst.com

## SECTION 2

Total surface area to be moved, disturbed, cut, or filled (square feet)	11,000
Total volume of soil or earth to be moved, disturbed, cut, or filled (cubic feet)	20,000
Estimated start date	10-12-18

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

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](http://www.greenwoodmn.com) or at city hall).

Signature		Date: 2-25-19
Print Name	Justin Jacques	

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

<b>For Office Use Only</b>	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](http://www.greenwoodmn.com).

Property Owner(s)	Alvin E. McQuinn Revocable Trust
Property Address	4900 Meadville Street

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)	<del>28,000</del> 28,700
Proposed lot size (square feet)	—
Dimensions of proposed structure(s)	—
Total square footage of proposed structure(s)	—
Percent of existing hardcover	0
Total hardcover including proposed hardcover	0
Amount of fill to be added (cubic yards)	740
Amount of soil to be removed (cubic yards)	0
Type and area of vegetation to be removed	—

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

Signature		Date: 2-25-19
Print Name	Justin Jacques	

Form Updated 10-27-14

## Dale Cooney

---

**From:** Bob Bean <Robert.Bean@bolton-menk.com>  
**Sent:** Thursday, April 04, 2019 10:08 AM  
**To:** Dale Cooney  
**Subject:** RE: 4900 Meadville

Dale,

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

1. Drainage patterns are being maintained with proposed grading improvements. Runoff will continue to drain along the side lot lines from Meadville Street toward the lake.
2. Swales are proposed along side lot lines to direct runoff away from adjacent properties and toward the lake.
3. The swale proposed along the west lot line is located in the east half of the Drainage and Utility Easement, thus providing a buffer to the adjacent property.
4. The existing pipe and catchbasin are proposed to be removed and replaced with a curb cut. This will allow runoff to drain more efficiently to the proposed swale and result in less grading impact along the west property line.
5. Work in public right-of-way should be coordinated with the City a minimum 48 hours prior to construction. Also, the replacement of the catchbasin and pipe should be observed by a City representative to ensure drainage on Meadville Street is not adversely impacted.

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

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

-----Original Message-----

From: Dale Cooney <dalec@mediacombb.net>  
Sent: Wednesday, April 03, 2019 3:28 PM  
To: Bob Bean <Robert.Bean@bolton-menk.com>  
Subject: 4900 Meadville

Bob,

See attached revisions.

Dale Cooney

## 4900 Meadville Conditional Use Comments

March 28, 2019

Dear Planning Commission:

For the past 47 years, the last 25 with my wife Sandy, we have watched as the NE end of Meadville Street has all too frequently created small ponds of runoff between the Walser house and the street. See attached pictures.

Numerous efforts to handle excess rain/storm water have proven to be relatively unsuccessful.

On 3/11/19 we received via email from Dale Cooney a proposed "Grading Plan" from Green-Dale Design for 4900 Meadville St now owned by the McQuinns.

The plan appears to propose the entire property be filled in (1) foot increments from 935' to 940', the current elevation of Meadville Street with drainage only at the Brixus lot line to the NE and our lot line to the SW.

On Monday 3/18 we met with Dale Cooney and Bob Bean of Bolten Menk, the city's engineer, to discuss our concerns with the plan as it pertains to possible encroachment of Meadville Street drainage as it passes by our property and then appears to follow the lot line using the city easement on the McQuinn property to reach the lake.

We have 3 areas of concern with requested solutions:

1. Our garage area at the property line. Remove the 940' elevation grading at our garage corner. At this elevation there is a good chance water will back up into the driveway and garage. We also believe this area needs a surface overflow area beyond the catch basin.
2. Overflow from the easement into our basement. We request the swale not be allowed to encroach the 10 feet closest to our property line and that a "buffer" be maintained to keep the water from the swale overflowing into our basement stairwell area.
3. Overflow from the easement onto our property. We request a verification that the swale is working after rainstorms before any seeding, sodding, or planting is completed.

Numerous possible solutions were proposed during the meeting and we have asked to be kept abreast of discussions with the city's planning commission and council.

We have a concern that significant modifications to the McQuinn property elevations without the proper permit applications have preceded allowable deviations allowed by Greenwood ordinances. It is for this reason we bring our concerns to the City and Planning Commission in writing at this time.

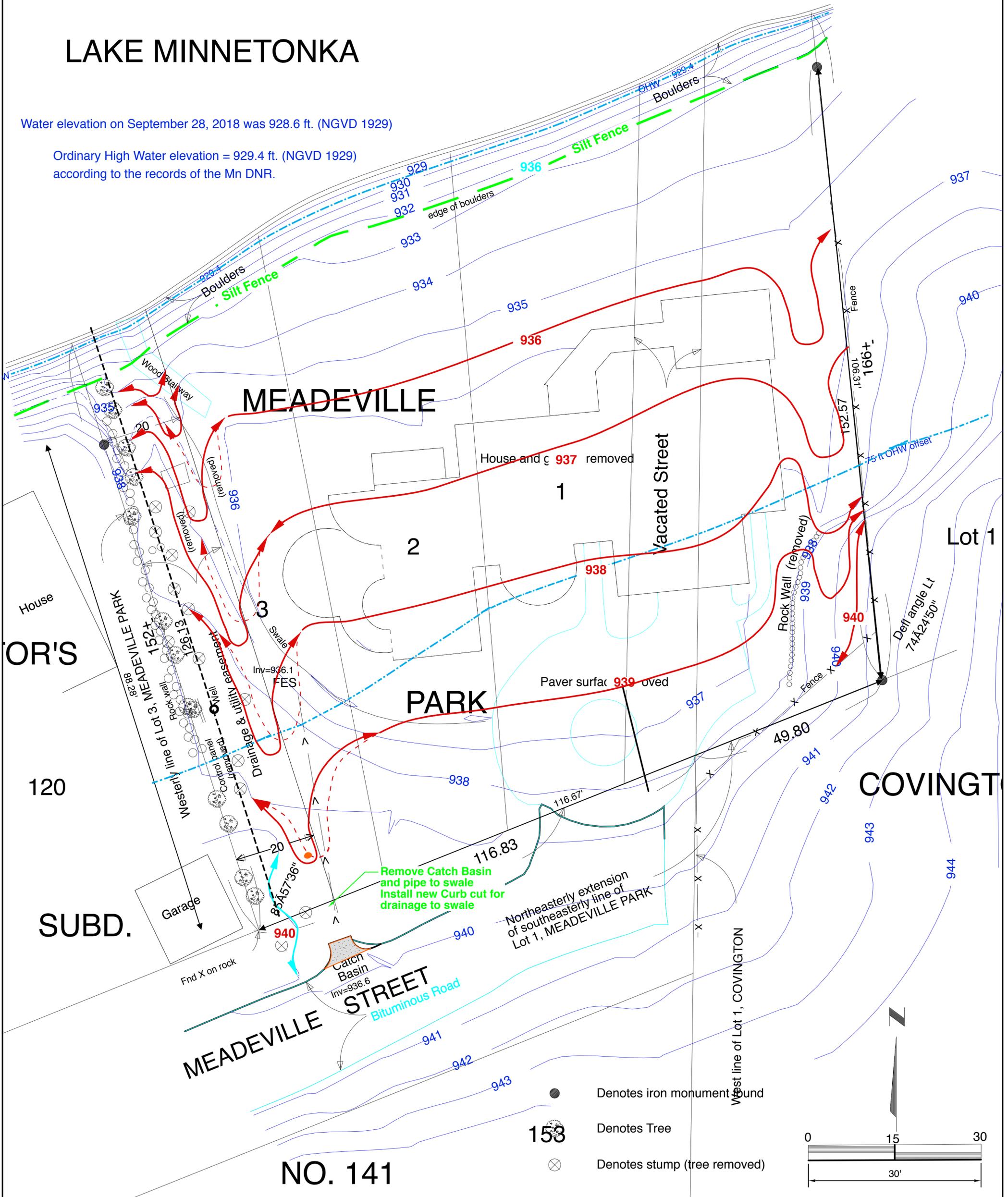
Thank you for your consideration to our thoughts and concerns,

Bob & Sandy Sevey  
4926 Meadville Street  
952-474-2348

# LAKE MINNETONKA

Water elevation on September 28, 2018 was 928.6 ft. (NGVD 1929)

Ordinary High Water elevation = 929.4 ft. (NGVD 1929)  
according to the records of the Mn DNR.



Green-Dale Design  
old hands at new design

McQuinn Shoreland  
4900 Meadville St  
Greenwood, Mn 55331

Grading Plan  
Scale: 1 inch = 10 feet  
February 24, 2019

**UPDATED 4/1/19**

# TOOGRAPHIC SURVEY FOR AL MCQUINN

Address: 4900 Meadville Street  
Greenwood MN 55331

## LAKE MINNETONKA

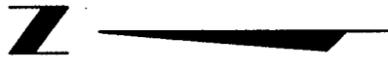
Water elevation on September 28, 2018 was 928.6 ft. (NGVD 1929)

Ordinary High Water elevation = 929.4 ft. (NGVD 1929)  
according to the records of the Mn DNR.

### DESCRIPTION

lots 1, 2 and 3, Meadville Park, Hennepin County, Minnesota, including the adjacent vacated street; and also that part of Lot 1, Covington, in the Town of Excelsior, described as follows: Beginning at the point of intersection of the West line of said Lot 1, Covington, with the Northeastly extension of the Southerly line of said Lot 1, Meadville Park; thence Northeasterly along said extension a distance of 49.80 feet; thence deflecting to the left 74 degrees 24 minutes 50 seconds and running Northwesterly to the shore of Lake Minnetonka; thence Southwesterly along said shore to the intersection of the West line of said Lot 1, Covington, and its extensions; thence South along said West line to the point of beginning.

Parcel Area to OHW = Approx 28700 Square Feet



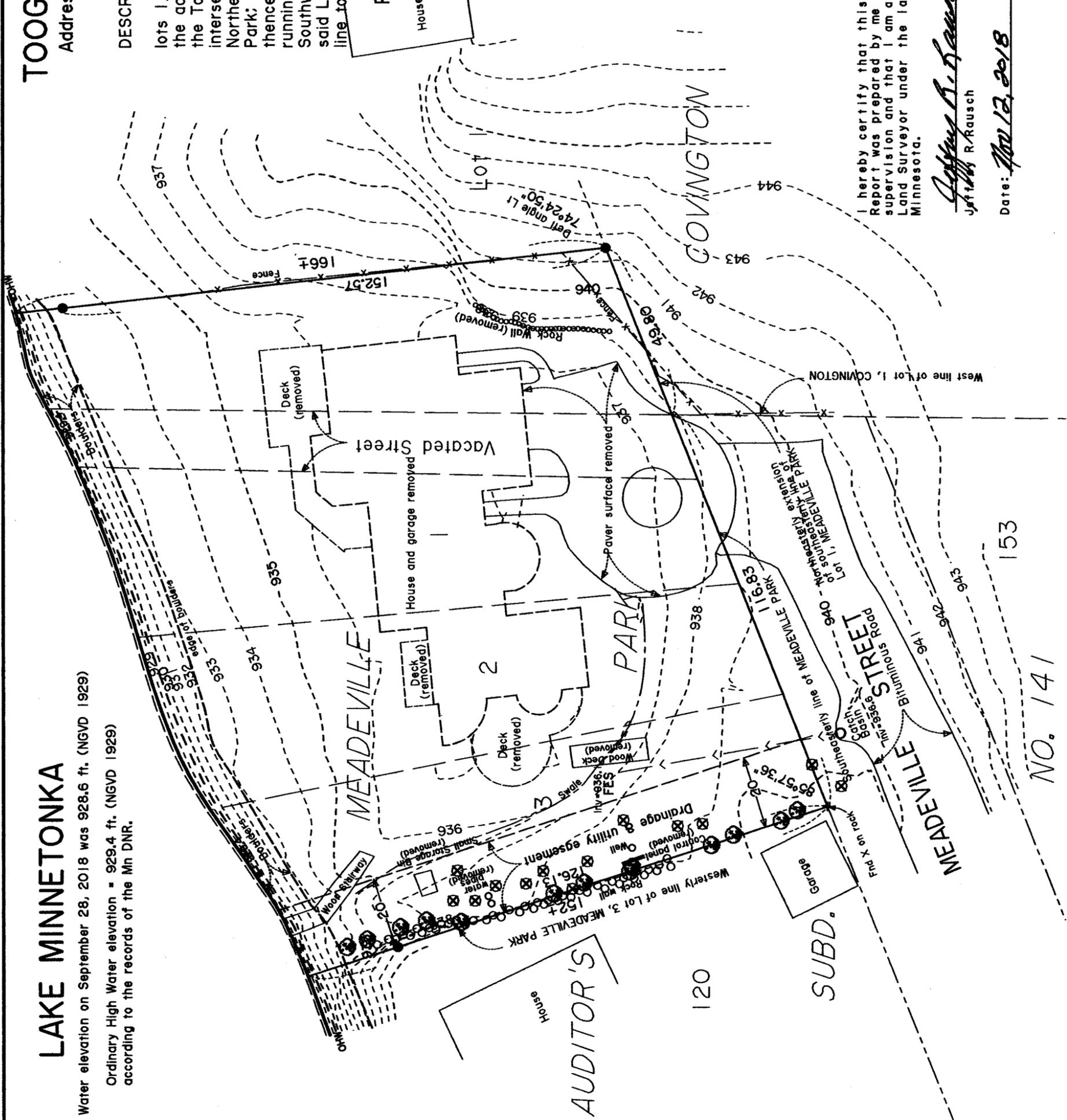
- Denotes iron monument found
- ⊗ Denotes Tree
- ⊗ Denotes stump (tree removed)
- Denotes existing contour line

### CONDITIONS EXISTING PRIOR TO DEMOLITION

Existing condition locations and elevations obtained prior to September 28, 2018.

### CONDITIONS AFTER DEMOLITION

Verified structures and items after demolition on November 12, 2018.



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.

*Jeffrey A. Rausch*  
Jeffrey A. Rausch

Date: Nov 12, 2018 Lic. No. 24327

PELLINEN LAND SURVEYING, INC

P O Box 35  
Hutchinson, Minnesota 55350

Phone (320) 587-4789  
Fax (320) 587-3752

JOB NO 18161 BK P-410 Pg 36

NO. 141

RESOLUTION NO 21-19

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

---

APPROVING

In Re: Application of Alvin E. McQuinn Revocable Trust for the property at 4900 Meadville Street for a conditional use permit under Greenwood ordinance code sections 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 300 square foot area.

---

**WHEREAS**, Applicants Alvin E. McQuinn Revocable Trust (hereinafter 'Applicant') is the owner of property commonly known as 4900 Meadville Street, Greenwood, Minnesota 55331 (PID No. 26-117-23-24-0033) being real property located in Hennepin County, Minnesota and legally described as:

lots 1, 2 and 3, Meadville Park, Hennepin County, Minnesota, including the adjacent vacated street; and also that part of Lot 1, Covington, in the Town of Excelsior, described as follows: Beginning at the point of intersection of the West line of said Lot 1, Covington, with the Northeasterly extension of the Southerly line of said Lot 1, Meadville Park; thence Northeasterly along said extension a distance of 49.80 feet; thence deflecting to the left 74 degrees 24 minutes 50 seconds and running Northwesterly to the shore of Lake Minnetonka; thence Southwesterly along said shore to the intersection of the West line of said Lot 1, Covington, and its extensions; thence South along said West line to the point of beginning.

; and

**WHEREAS**, the applicant proposes to regrade the property to improve overall the drainage pattern; 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 April 10, 2019; 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 4900 Meadville Street, Greenwood, Minnesota 55331 (PID No. 26-117-23-24-0033) 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 an area greater than 300 square feet in order to improve the overall drainage pattern for 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 sections 1140.19 and 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 sections 1140.19 and 1150.20, Subd 1. The approval recommendation is subject to the following conditions:

- (a) Applicants will comply with the recommendations of the city engineer.

8. Based on the foregoing, the city council determined that the proposed CUP request complies with the CUP standards in Greenwood ordinance sections 1140.19 and 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, and 1150.20 necessary for the granting of a CUP.
- 2. The approval recommendation is subject to the following conditions:

- (a) Applicants will comply with the recommendations of the city engineer.

**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 an area greater than 300 square for the property at 4900 Meadville Street. The granting of the CUP is subject to the following conditions:

- (a) Applicants will comply with the recommendations of the city engineer.

**PASSED** this 1st day of May, 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: **05-01-19**

Prepared by Dale Cooney

**Agenda Item:** Consider Res 22-19, Findings for Variance Request, and Res 23-19, Findings for Conditional Use Permit Request, Mark and Katharine Krezowski, 5130 Meadville Street.

**Summary:** Copies of the application materials and staff report are attached for reference. Notice of the public hearing was published in the Sun-Sailor newspaper on 03-28-19. The planning commission held a public hearing at their 04-10-19, 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 sections 1150.20 CUP criteria and 1155.20 variance criteria as well as any conditions in the motion.

**Planning Commission Action:** Motion by Steingas to recommend denial of the variance and CUP requests as proposed. Motion was seconded by Lucking. Motion carried 3-0. The planning commission was most concerned about the building volume and interior side yard setback issues. They were comfortable with the proposed hardcover and the proposed setback along Meadville Street. They also did not feel that they could approve the CUP request without having an associated approved building proposal.

**Key Dates:**

Application complete:	March 12, 2019
Notice of Public Hearing published:	March 28, 2019
Planning Commission Public Hearing:	April 10, 2019
City Council Consideration:	May 1, 2019
60-Day Deadline:	May 11, 2019
120-Day Deadline:	July 10, 2019

**Council Action:** The city council must take action by 05-11-19 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 1) adopts resolution 22-19 laying out the findings of fact **DENYING** the setback, building volume, side yard wall height, and impervious surface variance requests 2) adopts resolution 23-19 laying out the findings of fact **DENYING** the grading conditional use permit request of Mark and Katharine Krezowski for 5130 Meadville Street, as proposed, and 3) directs the staff 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 1) accepts the recommendation, findings, and conditions of staff of **APPROVING** the setback, building volume, side yard wall height, and impervious surface, variance requests, 2) accepts the recommendation, findings, and conditions of staff of **APPROVING** the grading conditional use permit request of Mark and Katharine Krezowski for 5130 Meadville Street, as proposed, 3) directs staff to draft approval resolutions based upon said findings to be considered at the June 5 city council meeting, and 4) directs city staff to exercise the city's option to take 60 additional days to process the variance and conditional use permit applications 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 and conditional use permit applications of Mark and Katharine Krezowski, 5130 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:** Public hearing to consider variance and conditional use permit requests of Mark and Katharine Krezowski to encroach into the south side and corner side yard setbacks, exceed the maximum permitted impervious surface area, exceed the maximum above grade building volume, exceed the maximum side yard wall height, and to regrade the property in conjunction with the construction of a new house at 5130 Meadville Street.

**Summary:** Mark and Katharine Krezowski, property owners at 5130 Meadville Street, are proposing to build a new house on the property. The property is zoned R-1, is 7,113 square feet in size and is 45-feet wide. The existing house, built in 1918 according to Hennepin County records, is nonconforming in terms of south side yard setbacks, corner side yard setbacks, and side yard wall height.

**Setbacks:**

Section 1120.15 of the Greenwood Zoning Code requires a side yard setback of 9 feet for the 45 foot wide lot, and a corner side yard setback of 30 feet. Applicants are proposing a south side yard setback of 7.1 feet and a corner side yard setback of 3.9 feet. With 39 feet of required side yard setbacks, only 6 feet of width remains for a buildable area and some variance from the setback standards is necessary.

While the footprint and massing of the proposed house are larger than existing, the proposed house is 0.1 foot further away from the property line. The corner side yard setback is reduced from existing conditions from 5.9 feet to 3.9 feet. This is due to the proposed 2 foot cantilever for a portion of this side of the house. The remainder of the proposed house has a 5.9 setback from the street. The cantilevered encroachment faces the street side and not the adjacent neighbor at 5140 Meadville.

**Impervious Surface Area:**

Section 1120.15 of the Greenwood Zoning Code limits the impervious area for a property of this size to 32.9%. The applicant is proposing a impervious surface area of 33.2% which exceeds the allowable impervious area by 0.3% (the equivalent of 18 sf). The existing hardcover on the property is 23.9%. Calculations do not include the 484 square feet of driveway that serves the two properties to the south.

**Building Volume:**

Section 1140.18, Subd. 3(1) of the Greenwood Zoning Code limits the above grade building volume for the property to 42,678 cubic feet. The proposed house would have an above grade building volume of 47,783 cubic feet, exceeding the maximum allowable building volume by 5,105 cubic feet (112% of allowable building volume).

The applicants make the argument that, due to the tuck under garage's relation to the street elevation, the house needs to be pushed out of the ground more than might otherwise be required thereby increasing above grade building volume. Applicants calculate that the basement level is an average of 3.7 feet above grade, creating an estimated 6,463 cubic feet of excess building volume. A counterargument to that claim is that having the tuck under garage is favorable to the applicants in that it allows much of this volume to be below grade. An above grade, 3-car garage measuring 30' wide x 20' deep x 10' high would create a structure having 6,000 cubic feet of building volume.

Nevertheless, the grade from Meadville Street to the property is steep with a 4 foot grade change at street level, creating access limitations that make a tuck-under garage the most reasonable solution for the property. The basement level is a conservative 8 feet in height, which limits the above grade volume of the basement. If an above-grade garage were the best alternative for the property, the applicants would have made different design decisions. Staff feels that, on balance, the applicants are working within the practical limitations of the property and are attempting to minimize the above grade basement volume.

**Side Yard Wall Height:**

Section 1120.20, Subd. 1(b) limits the wall height to 1.5 times the applicable side yard setback distance within 20 feet of the side property line. The applicants are proposing a side yard wall height of 27 feet at the peak of the roof. The proposed setback would limit the wall height to 10.5 feet, while the required setback would limit the wall height to 14.5 feet.

The new side wall for the property is 18 feet or less for approximately half of the side yard distance, but rises to 27 feet at the peak of the highest gable. The orientation of the existing house places the tallest walls within the side yards. Existing conditions have a side wall height of 26 feet at the peak of the gambrel roof, and 24.5 feet from the mid-gable height. If the city accepts the argument that the tuck-under garage pushes the house higher out of the ground than what might otherwise be necessary, some portion of the wall height is impacted by this circumstance.

**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. Much of the rear yard would be graded to increase the elevation by 1 foot. Additionally, the tuck-under garage cut would widen by approximately 10 additional feet. It is staff's opinion that these alterations are consistent with the conditional use permit criteria.

**Stormwater:**

Per Section 1140.17, Subd. 2, applicants are required to provide stormwater mitigation for the project. Section 1140.17, Subd. 3 states the stormwater management performance criteria, which requires 110 cubic feet of mitigation and the applicants are proposing a raingarden with a volume retention capacity of 118 cubic feet. Stormwater would be directed to the raingarden via a roof downspout. The city engineer has asked for revisions to the stormwater management plan to more accurately meet the volume requirements.

**Staff Recommendation for variance request:**

Staff recommends approval with conditions of the variance request of Mark and Katharine Krezowski for variances to encroach into the south side yard setback by 1.9 feet, to encroach into the into the corner yard setback by 26.1 feet, to exceed the maximum permitted impervious surface area by 0.3%, to exceed the maximum permitted building volume by 5,105 cubic feet, and to exceed the maximum permitted side yard wall height by up to 16.5 feet for the proposed house at 5130 Meadville Street, as proposed.

- 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 house is consistent with that purpose.
- 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 builds a modernized house on a substandard lot while attempting to maintain existing nonconforming setbacks and exceeding impervious coverage limitations by a very minor amount. The side yard wall height at its peak is comparable to existing conditions, and approximately half of the side wall is 18 feet tall or less. The excess building volume is reasonable given the existing elevations of both the street and the property creating a situation where the foundation is higher than might otherwise be necessary.
- d) The plight of the landowner-applicant is due to circumstances unique to the property and not created by the landowner because: the property is substandard and contains a nonconforming setback conditions which will be generally be maintained, excluding the proposed 2 foot cantilever which faces the public street. The impervious surface overage is extremely minor at 18 square feet and meets the spirit of the limitation if not the actual limitation. The building volume overage is driven by the relationship between the elevation of the existing street and the foundation elevation creating a need to push the foundation height higher than might otherwise be necessary.
- e) The variance, if granted, will not alter the essential character of the locality, because: the setbacks are comparable to existing conditions and the overall scale of the house is appropriately sized within the neighborhood and the lot itself.
- 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.

And subject to the following conditions:

- A. The applicants enter into a maintenance agreement with the city to ensure the long-term operation and maintenance of the stormwater management improvements. The maintenance agreement shall be executed and recorded against the parcel.
- B. Applicants will comply with the recommendations of the city engineer.

**Staff Recommendation for Conditional Use Permit Request:**

Staff recommends approval of the conditional use permit request of Mark and Katharine Krezowski for 5130 Meadville Street to regrade 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.
- 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.

And subject to the following conditions:

- A. The applicants enter into a maintenance agreement with the city to ensure the long-term operation and maintenance of the stormwater management improvements. The maintenance agreement shall be executed and recorded against the parcel.
- B. Applicants will comply with the recommendations of the city engineer.

# Variance Application



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

Date application submitted	3/13/2019
Date application complete (office use only)	
Property address	5130 Meadville Street
Property identification number (PID)	2611723320008
Property owner's current mailing address	
Names of all property owners	Mark and Katharine Krezowski
Cell phone and email of property owner(s)	
Name of builder / architect (if any)	Rick Hendel
Company name of builder / architect	Hendel Homes
Cell phone and email of builder / architect	612-490-7130, rick@hendelhomes.com
Company address	15250 Wayzata Boulevard, Wayzata, MN 55391
Present use of property	Single Family Residential - Detached
Property acreage	7,113 SF (.163 acres)
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
The variance(s) are being requested to (e.g. build a garden shed)	Demolish existing dwelling and replace with new construction of single family detached residence.

## Requested variance(s):

		Required*	Proposed	Difference
<input checked="" type="checkbox"/>	Side Yard (feet)	9'	7.1'	1.9'
<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 checked="" type="checkbox"/>	Maximum Above Grade Building Volume (cubic feet)	42,678	47,783	5,105 (12%)
<input checked="" type="checkbox"/>	Hardcover (percentage)	32.89%	33.2%	0.31%
<input checked="" type="checkbox"/>	Other:	30'	5.9' / 3.9'	24.1' / 26.1'

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

## Making your case for the grant of a variance

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

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

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

**Establishing a “practical difficulty”**

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

<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 property lies within the R-1 single family residential district in which Single Family Detached Dwellings are identified as a primary permitted use. Section 1120.00, subd.2 acknowledges the practical development challenges of sub-standard lots and identifies the variance process as appropriate to address these unique lots and balance property owner's desires with community needs. The proposed structure is of a high quality architectural design. It's architectural roots come from the Arts and Crafts movement with materials and details that complete a "Lake Cottage" aesthetic. The proposed structure is modest (not estate like) yet clearly conveys quality - entirely appropriate within this district.</p>
<p>Is the variance consistent with the comprehensive plan?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                  Please explain: The proposed variances are consistent with the comprehensive plan in which:                  - permitting reasonable accomodations for the maintenance and modernization of the residential housing stock; is identified as a Housing Policy.                  - allowing through reasonable accomodation, the improvement of older homes consistent with variance procedures; is identified as a Housing Policy.                  - The Housing section of the comprehensive plan acknowledges that housing efforts will include demolition / reconstruction of the existing housing stock.</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 proposed structure is of a reasonable size and other than requested variance(s) fully complies with the zoning ordinance requirements.                  - The design provides for a minimum of site disruption by maintaining existing foundation depth and the primary grades around the house.                  - The proposed side yard setbacks essentially maintain the existing structure non-conformites. Only a partial kitchen cantilever encroaches 2' further towards Meadville than existing.                  - The proposed building volume increase is primarily necessary due to the need for maintaining the existing street / driveway elevations. This increases the above grade perimeter volume significantly over what it would otherwise be if basement foundation could be lowered.                  - The proposed structure height and volume are absolutely minimized by utilizing 8' high basement walls, 9' high main floor walls and 6'-6" second floor spring height walls.                  - An alternative garage position on the main floor would require the displaced living spaces to be added to the main floor and second levels of the house; resulting in additional and / or increased variances.</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 property is an existing dimensionally sub-standard lot in which the existing structures and development are non-conforming. The proposed building volume is established due to the need to maintain the existing driveway / garage slab elevation. This condition creates more above grade basement volume than would otherwise be necessary. These existing non-conformities provide practical difficulites in fully complying with the official controls; and the current land owner did not create them.</p>
<p>Will the variance alter the essential character of the locality?</p>	<p><input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No                  Please explain: The essential locality is characterized by high quality single family residences; a number of which are on sub-standard lots. The proposed construction of a new, high quality design, appropriately scaled single family home will be complementary with the essential character of the locality.</p>
<p>Will the variance impair an adequate supply of light and air to adjacent property?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                  Please explain: The variance if granted will have little impact on supply of light and air to adjacent properties. The proposed design limits building height by utilizing minimal ceiling heights. Due to the site orientation; shadows cast by the structure will mostly to the east, west and north where there are no neighbors to be impacted.</p>
<p>Will the variance unreasonably increase the congestion in the public street?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                  Please explain: The building use will be maintained as a single family residence and the proposed addition of one garage stall will lessen the load of on-street parking.</p>

Will the variance increase the danger of fire or endanger the public safety?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: The construction of a new single family residence that fully complies with current fire and building code regulation will lessen the danger of fire and public safety.
Will the variance unreasonably diminish or impair established property values within the neighborhood?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: The construction of a new, high quality, architecturally significant home will have a positive impact on established property values within the neighborhood.

**VARIANCE APPLICATION - Page 2 of 3**

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

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

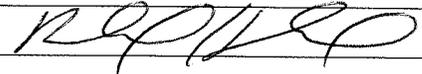
<b>Neighbor #1 Address:</b>	
Signature:	Date:
Print Name:	

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

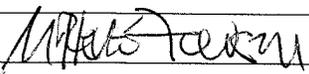
**The undersigned contacted the following regulatory bodies and will seek approvals if required:**

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

**Applicant's acknowledgement and signature(s):** The undersigned hereby submits this application for the described action by the city and is responsible for complying with all city requirements with regard to this request. This application should be processed in my name, and I am the party whom the city should contact about this application. The applicant certifies that the information supplied is true and correct to the best of their knowledge. The undersigned also acknowledges that before this request can be considered and / or approved, all required information and fees must be paid to the city, and if additional fees are required to cover costs incurred by the city, the city has the right to require additional payment from one or more of the undersigned, who shall be jointly liable for such fees. An incomplete application will delay processing and may necessitate rescheduling the review timeframe. The application timeline commences once an application is considered complete when all required information and fees are submitted to the city. The applicant recognizes that they are solely responsible for submitting a complete application and that upon failure to do so, recognizes city staff has no alternative but to reject the application until it is complete or to recommend denial regardless of its potential merit. A determination of completeness of the application shall be made within 10 business days of the application submittal. A written notice of application deficiencies shall be mailed to the applicant 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: 3/12/19
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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: 3/12/2019
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*Note: If the property owner is different than the applicant, signatures from the both the applicant and the property owner are required.*

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

For Office Use Only	Fee Paid: <input type="checkbox"/> Cash <input type="checkbox"/> Check #:	Amount \$
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VARIANCE APPLICATION - Page 3 of 3 Form Updated 06-13-18

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

Date application submitted	03/13/2109
Date application complete (office use only)	
Property address	5130 Meadville Street
Property identification number (PID)	2611723320008
Property owner's current mailing address	
Names of all property owners	Mark and Katherine Krezowski
Cell phone and email of property owner(s)	
Name of builder / architect (if any)	Rick Hendel
Company name of builder / architect	Hendel Homes
Cell phone and email of builder / architect	612-490-7130
Company address	15250 Wayzata Blvd, Wayzata 55391
Present use of property	Single Family Residential - Detached
Property acreage	7,113 SF (.163 acres)
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)	Perform grading operations necessary for construction of a new single family residence.

**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](http://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:

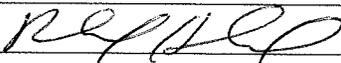
Will the proposed use comply with the regulations specified in the ordinance for the district in which the proposed use is to be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: The proposed use will meet all zoning requirements with variances as requested.
Is the proposed use one of the conditional uses permitted for the district in which it is to be located?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: The use of a single family detached residence is identified as a "Permitted Use" within the R-1 district.
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: The construction of a new single family residence that fully complies with current fire and building code regulations will lessen the danger of fire and public safety and will not negatively impact the comfort, convenience or general welfare.
Will the proposed use be harmonious with the objectives of the comp plan?	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: The proposed use of single family detached residential is the desired for the district as described in the comprehensive plan.
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: The proposed use of single family detached residential is consistent with the existing use and anticipated future uses of the neighborhood.

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: The proposed use is the same as the current use; which is adequately served by these items.
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: All costs incurred for the development of this project are being incurred by the applicant.
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: The proposed use of single family detached residential is consistent with the prevalent use within the district.
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: Existing traffic patterns / approach will be maintained within the proposed development.
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: The proposed construction maintains the predominant topographic features of the site and no historic features are present.
Will the proposed use unreasonably depreciate surrounding property values?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: The construction of a new, high quality, architecturally significant home will have a positive impact on established property values within the neighborhood.

**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: 	Date: 3/12/19
--	---------------

**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: 3/12/2019
--	-----------------

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

Variance Fee (nonrefundable)	\$400
Shoreland Management Review Fee (nonrefundable)	\$200
<b>Total Amount Due (make check payable to the City of Greenwood)</b>	<b>\$600</b>

<b>For Office Use Only</b>	Fee Paid: <input type="checkbox"/> Cash <input type="checkbox"/> Check #:	Amount \$
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Permit #	<b>FORM #5</b> 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](http://www.greenwoodmn.com).

Property Owner(s)	Mark and Katharine Krezowski
Property Address	5130 Meadville Street, Greenwood, MN 55331

Person completing this form:  Property Owner  Builder / Architect

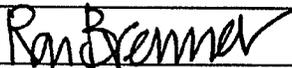
Per code section 1140.18 (view at [www.greenwoodmn.com](http://www.greenwoodmn.com) or at city hall), no lot in the residential zones of the city may be host to principal and accessory buildings and structures whose above grade building volume (expressed in cubic feet) is greater than the following maximums:

- (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.

<b>The "above grade building volume" calculation for the property is:</b>	<b>47,783 cu.ft.</b>
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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: 4/1/2019
Print Name	Ron Brenner, Ron Brenner Architects, LLC. Stillwater, MN 55082	

**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 #	<b>FORM #8</b> 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](http://www.greenwoodmn.com).

Property Owner(s)	Mark Krezowski
Property Address	5130 Meadville Street, 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	March 12, 2019
Property Owner's Mailing Address	130 Meadville Street, Greenwood, MN 55331
Property Owner's Phone Number	(612) 868-3783
Property Owner's Email	'Mark Krezowski' - mark@customer1st.com
Contractor or Builder / Architect Name	Hendel Homes
Contractor or Builder / Architect Address	15250 Wayzata Blvd, Wayzata, MN 55391
Contractor or Builder / Architect Phone	(952) 404-7204
Contractor or Builder / Architect Email	rick@hendelhomes.com

## SECTION 2

Total surface area to be moved, disturbed, cut, or filled (square feet)	5,260 sf
Total volume of soil or earth to be moved, disturbed, cut, or filled (cubic feet)	6,940 cf
Estimated start date	Sept 2019

Work is required for:  Remodelling 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:

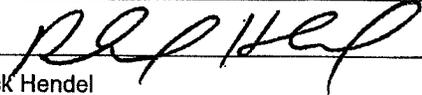
Less than 1ft  1ft or more in a 100+ sq ft area (city engineer approval required)

The proposal involves grading that will increase or decrease the average grade (existing compared to final conditions) by more than 1 foot in any 300 square foot area (conditional use permit required)

**Per code section 1140.19 subd 3, the following items must be 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](http://www.greenwoodmn.com) or at city hall).

Signature		Date: 04/03/19
Print Name	Rick Hendel	

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 03-29-19

Permit #	<b>FORM #12</b> 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](http://www.greenwoodmn.com).

Property Owner(s)	Mark Krezowski
Property Address	5130 Meadville Street, Greenwood MN 55331

Person completing this form:  Property Owner  Builder / Architect

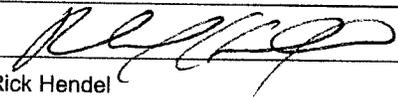
Per the Construction Site Management ordinance (section 305.00 subd 2b) a Shoreland Management Worksheet is required for building projects \$10,000+. Per section 1176.03, subd. 3 & 10, a Shoreland Compliance Review is required for all properties within 1,000 feet of the Ordinary High Water Level of Lake 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)	7,113 sf
Proposed lot size (square feet)	7,113 sf
Dimensions of proposed structure(s)	53'x32'
Total square footage of proposed structure(s)	1761 sf
Percent of existing hardcover	24.7%
Total hardcover including proposed hardcover	2,358 sf
Amount of fill to be added (cubic yards)	40 cy
Amount of soil to be removed (cubic yards)	225 cy
Type and area of vegetation to be removed	Lawn: 3,130 sf

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

Signature		Date: April 5 <sup>th</sup> , 2019
Print Name	Rick Hendel	

Form Updated 10-27-14

Permit #	<b>FORM #15</b> Return this document to City Hall
Receipt #	



# Stormwater Management Plan

If you prefer to complete this form electronically, it is available at [greenwoodmn.com](http://greenwoodmn.com).

Property Owner(s)	Mark Krezowski
Property Address	5130 Meadville Street, 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 1)  No (complete below)

Date Application Submitted	03/12/19
Property Owner's Mailing Address	130 Meadville Street, Greenwood, MN 55331
Property Owner's Phone Number	(612) 868-3783
Property Owner's Email	'Mark Krezowski' - mark@customer1st.com
Contractor or Builder / Architect Name	Hendel Homes
Contractor or Builder / Architect Address	15250 Wayzata Blvd, Wayzata, MN 55391
Contractor or Builder / Architect Phone	(952) 404-7204
Contractor or Builder / Architect Email	rick@hendelhomes.com

**SECTION 1.** Stormwater management (code section 1140.17) must be implemented for any alteration which results in increased impervious surface coverage of 200 SF or more or any increase that results in a total impervious surface coverage that is greater than what is allowed in the zoning district. Does your proposed project increase impervious surface by 200 SF or increase the surface coverage by an amount that is greater than what is allowed in the zoning district?  Yes (complete section 2)  No (skip to section 3)

**SECTION 2.** Choose ONE of the following four options:

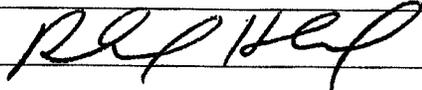
- For alterations that do NOT exceed hardcover requirements, I will provide stormwater runoff volume reduction practice(s) on-site with capacity to retain a minimum volume of ( \_\_\_\_\_ SF X 1.25 gallons per SF = \_\_\_\_\_ ).  
Type of volume reduction practice: \_\_\_\_\_.
- For alterations that DO exceed hardcover requirements, I will provide stormwater runoff volume reduction practice(s) on-site with capacity to retain a minimum volume of the greater of added impervious surface area (656 SF) or the area that exceeds the hardcover requirements (580 SF) X 1.25 gallons per SF. Type of volume reduction practice: Rain Garden.
- Attached is a report and calculations demonstrating that stormwater runoff management practice(s) proposed limits the peak runoff rate from a 2-inch – 60-minute rainfall event does not exceed existing conditions for the same event.
- The attached site plan demonstrates through topographic features that water will be conveyed towards naturally occurring water features such as lakes, wetlands, creeks, or channels without impacting neighboring properties.

And submit the following with this form:

- (a) When a certified site survey is required by code, the survey shall include:
  - i) An impervious surface calculation for existing and proposed impervious surface conditions.
  - ii) The location of proposed activities.
  - iii) Plans, specifications, and calculations showing compliance with all required stormwater management performance practices and compliance with section 1140.17 subd 3.
- (b) When a certified site survey is not required by code, the applicant shall provide:
  - i.) An impervious surface calculation worksheet with existing and proposed impervious surface conditions.
  - ii.) A site plan or drawing showing the location of proposed activities.
  - iii.) Plans, specifications, and calculations showing compliance with all required stormwater management performance practices and compliance with section 1140.17 subd 3.

Note: A **Stormwater Maintenance Agreement** between the property owner and the city that documents all responsibilities for the long-term operation and maintenance is required for systems that require continuing physical maintenance. The maintenance agreement shall be executed and recorded against the parcel with the county, must be disclosed by the selling party to the buyer, shall be inspected by a qualified third-party technician hired by the property every 5 years in years ending in 0 and 5 and prior to a sale or transfer of the property. 5-year inspection reports must be submitted to the city by August 1 of that year. Any maintenance identified during the inspections shall be completed within 12 months of the inspection. For properties that are for sale, the inspection report must be submitted to the city prior to closing, and all repairs must be completed prior to closing or disclosed to the buyer and completed within 12 months of closing.

**SECTION 3.** The undersigned hereby submits this Stormwater Management Plan form and certifies the property owner(s) listed above are the sole fee title owner(s) of the described property; information provided on this form and in the submitted documents is true, complete, and accurate; if the plan is approved, the work will be in accordance with the plan and city code section 1140.17.

Signature		Date: 04/03/19
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Form Updated 01-08-19

## Dale Cooney

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**From:** Bob Bean <Robert.Bean@bolton-menk.com>  
**Sent:** Tuesday, April 09, 2019 10:28 AM  
**To:** Dale Cooney  
**Subject:** RE: 5130 Meadville

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 will continue to drain from the southeast side of the lot to the northeast toward the lake. A swale is proposed on the southwest lot line to direct water away from the adjacent property. However, proposed grading of the swale should be revised to provide a minimum 6" swale depth below the adjacent property to ensure runoff is adequately directed toward the lake. Adequate swale grading should be verified in the field by the City prior to site restoration.
2. Perimeter erosion control measures should be installed by the Contractor and inspected by the City prior to any other work. Contractor must provide minimum 24 hour notice prior to inspection.
3. A rain garden is proposed to meet the City's Stormwater Management requirements due to the proposed increase in impervious surface. The calculations utilize a void space equal to 0.4 for the infiltration media in order to meet the required volume. However, the void space of this media would likely range from 0.2 to 0.3 based on compaction during placement. The design of the rain garden should be revised as necessary to provide the required volume (i.e. use 0.2 for void space and enlarge as necessary, install thicker media section, or install open graded rock below surface with 0.4 void space).
4. Additional notes for sequencing of rain garden construction should be included. The rain garden area should be protected during house construction to minimize potential for compaction of underlying soils, the rain garden should not be constructed until the upstream area is stabilized, and low impact equipment should be utilized during construction of rain garden.
5. A Drainage and Utility Easement should be provided over the rain garden and its surface overflow.
6. Construction of stormwater management facilities should be observed by a City representative to ensure system is installed as proposed.
7. A record drawing of stormwater management improvements installed should be submitted upon completion to confirm facility was constructed per plan.
8. The applicant should be required to submit a Maintenance Agreement for any stormwater management facilities installed. The agreement should define maintenance responsibilities following completion of project, specify types and frequencies of inspection and maintenance activities, designate who will conduct inspection and maintenance activities, and outline reporting requirements.
9. 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.
10. Contractor must exercise care during construction to not block traffic on the Meadville Street. Clear drive lanes must be maintained at all times.
11. The applicant may 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,

I apologize for not getting our thoughts to the Planning Commission earlier; however, we have experienced more pressing issues that a timely expression of our thoughts regarding the proposed plan for the Krezowski home. John and I were invited to view and discuss the plan recently with Mark and Kitty, Joe and Marna Fronius.. There is no doubt their new home is lovely and well designed. We understand the Krezowskis have already made some revisions and efforts to their plan to better meet the City ordinances.

However, we are hopeful that even more considerations may be designed to reduce the position of the house while maintaining the neighborhood sight lines.

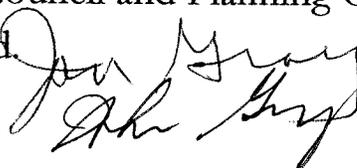
We wonder if only two feet were removed from lakeside of the or house oved back two feet. This would provide protection of neighbors' lake view.

Granted, I understand there is no "right" to a view.

The neighborhood of Meadville has attracted many new residents. The sense of community and neighborliness has a positive attraction of many who seek to live here. It is evident that when families enter the neighborhood they stay in the neighborhood. Their children stay and even the grandparents stay.

Over decades the "face" of Meadville has changed. We often hear "we" are reluctant to accept change. Wrong, we have embraced many occasions of change over the decades of residing in Meadville. We recognize changes can have positive effects.'

We are aware that the City Council and the members of the Planning Commission have been working hard to fairly deal with residents of small and odd shaped lots in the city. We hope the consideration of the City Council and Planning Commission will follow the historical attitude of the neighborhood.

Handwritten signatures of John Gray and John Gray.

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

GENERAL COMMENTS ON REQUEST:

WE HAVE HAD THE OPPORTUNITY ON MARCH 16, 2019 TO REVIEW THE PLANS FOR THE NEW KREZOWSKI RESIDENCE. WE TAKE NO ISSUE 12% OVRAGE OF THE TOTAL MASSING DUE TO THE GARAGE AND PORCH'S AS THE OVERALL APPEARANCE IS ATTRACTIVE AS A TRADITIONAL LAKE HOME DESIGN AND WILL FIT WELL WITH THE LOOK OF OTHER NEIGHBORING HOMES LIKE OUR OWN. THE LOT SIZE MAKES RECONSTRUCTION A CHALLENGE BUT THE NEW DESIGN SEEMS TO FIT WELL ON THE LOT. WE SUPPORT THE KREZOWSKI'S REQUEST.

SPECIFIC ISSUES or CONCERNS:

NONE

Name:

ROBERT & JACQUELINE JASPER

Address:

5120 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.

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

**GENERAL COMMENTS ON REQUEST:**

We want to write this letter as a show of support for Mark and Kitty's new home proposal. We appreciate that they took us through the plans and explained exactly the issues that came up that request variance approvals. We have no concern and have full support for their plans.

**SPECIFIC ISSUES or CONCERNS:**

Name:

Bruce & Tracy Starnes

Address:

5135 Meadville St.

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

## Dale Cooney

---

**From:** Ted Hanna <tedhanna@qwestoffice.net>  
**Sent:** Wednesday, April 10, 2019 1:52 PM  
**To:** Dale Cooney  
**Subject:** Re: Krezowski Residence

Hi Dale, having an attachment issue with desktop. It was comment on proposed build, I thought it looked great, didn't have any concerns.

Ted Hanna  
612-751-1622

On Apr 10, 2019, at 1:14 PM, Dale Cooney <[dalec@mediacombb.net](mailto:dalec@mediacombb.net)> wrote:

Ted,

No message came through.

**Dale Cooney**

Zoning Coordinator  
Deephaven • Greenwood • Woodland

20225 Cottagewood Road  
Deephaven, MN 55331

Direct: 952.358.9938  
Main: 952.474.4755  
Fax: 952.474.1274

**From:** [tedhanna@qwestoffice.net](mailto:tedhanna@qwestoffice.net) [<mailto:tedhanna@qwestoffice.net>]  
**Sent:** Wednesday, April 10, 2019 12:59 PM  
**To:** [dalec@mediacombb.net](mailto:dalec@mediacombb.net)  
**Subject:** Krezowski Residence

Ted Hanna

4960 Meadville St

**Dale Cooney**

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**Subject:** FW: Variance for 5130 Meadville Street

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**From:** Mark Krezowski [mailto:mark@customer1st.com]  
**Sent:** Tuesday, April 09, 2019 1:02 PM  
**To:** Dale Cooney  
**Subject:** Fwd: Variance for 5130 Meadville Street

Hi Dale,

Please add this very kind note where the Jonikas's copied me. Thanks.

Regards,

Mark Krezowski

Begin forwarded message:

**From:** Michael Jonikas <michaeljonikas@gmail.com>  
**Subject: Variance for 5130 Meadville Street**  
**Date:** April 8, 2019 at 6:46:47 PM CDT  
**To:** <dale@mediacombb.net>  
**Cc:** <mark@customer1st.com>

Dale,

Hope all is well for you. We have lived in Greenwood for 3 1/2 years. It is a beautiful place to live with great people. Mark and Kitty Krezowski are examples of the great people in Greenwood. We are excited for Mark and Kitty as they embark upon building a new home. And, we are fully supportive of their construction plan and requested variances.

Their new home will be a beautiful traditional lake home. The size, and style, of the home will fit very well within the Meadville neighborhood. Their new home will be very proportional in size relative to their lot size. And, it will be among the smaller new homes within the neighborhood.

There are no concerns in regard to their requested variances to maintain their existing set backs, to provide a nominal increase in hardcover (proposed 33.2% vs. allowable 32.9%), and to allow incremental volume/massing (+12% vs. allowable above grade building volume of 42,670 cubic feet). There are no concerns to the volume/massing variance given the proposed increase is related to the tuck under garage. Their proposed design is the optimal use of garage space. The tuck under garage, along with the open porches, will provide a beautiful home. Further, this design approach does not create a visual mass feature related to the garage.

In summary, we are fully supportive of their construction plan and requested variances.

Warmest regards,

Mike & Deb Jonikas

4930 Meadville Street  
Excelsior, MN 55331  
612-801-5462

## Dale Cooney

---

**From:** Tim Burton <tburton@unitedsources.net>  
**Sent:** Tuesday, April 09, 2019 2:33 PM  
**To:** dalec@mediacombb.net  
**Subject:** Mark and Kitty Krezowski Residence

RE: Mark and Kitty Krezowski Residence  
5130 Meadville Street  
Greenwood, MN 55331

Tuesday, April 9, 2019

To whom it may concern,

We have had the opportunity to sit down and review the Krezowski's new residence plans very carefully with them - on several occasions.

After seeing how much effort they've put into the house design for the above ground to stay below the allowable massing ordinance, we were very impressed at their concern and extent that they went through to work with the city and residents and not try to go over the allowable limits.

We reviewed the beautiful design of their new home and not only does it fit well into the neighborhood, it's a big improvement to the overall appeal of the neighborhood.

We would like to voice our approval of variance requests for the Krezowski Home at 5130 Meadville.

Sincerely,

Tim and Rachele Burton

5150 Meadville Street  
Greenwood, MN 55331  
612-270-7777

**Tim Burton**  
President  
United Sources LLC  
+1 (612) 270-7777



**unitedsources**

## Dale Cooney

---

**From:** Jeff Solum <jeffrey.solum@gmail.com>  
**Sent:** Tuesday, April 09, 2019 2:28 PM  
**To:** dalec@mediacombb.net  
**Subject:** Re: 5130 Meadville St.

Dale,

I am a neighbor living at 5280 Meadville St, Excelsior, MN 55331. I met with Kitty and Mark Krezowski on Sunday to go over their plans for their home.

I liked the look of their plan. It seems to be in keeping with the cottage feel of the Greenwood location. I have no issues with their request for variance.

Jeff Solum

On Mon, Apr 8, 2019 at 8:17 AM Jeff Solum <jeffrey.solum@gmail.com> wrote:  
Dale,

I am a neighbor living at 5280 Meadville St, Excelsior, MN 55331. I met with Kitty and Mark Krezowski on Sunday to go over their plans for their home.

I liked the look of their plan. It seems to be in keeping with the cottage feel of the Greenwood location. I have no issues with their request for variance.

Jeff Solum

## **Dale Cooney**

---

**From:** marklaur@mchsi.com  
**Sent:** Tuesday, April 09, 2019 9:31 PM  
**To:** dalec@mediacombb.net  
**Subject:** Krezowski-5130 Meadville Street Variance Requests

Dear Dale-

This e-mail is in regards to the Krezowski's home build at 5130 Meadville Street. We reviewed their plan and have no issues with any of their variance requests. Our phone number is 952-484-2061 if you have any questions.

Sincerely,

Mark and Laura Larson  
5220 Meadville Street

## Dale Cooney

---

**From:** Amy Hapka <amy@hapkafarms.com>  
**Sent:** Tuesday, April 09, 2019 8:53 PM  
**To:** administrator@greenwoodmn.com; dalec@mediacombb.net  
**Subject:** Variance request- Mark and Kitty Krezowski

Dear Greenwood Councilmembers,

We are writing in regards to our neighbors, Mark and Kitty Krezowski's request for variance approval. We support the Krezowskis request for all variances, including the massing. Having seen their detailed plans, it is clear that their home design fits perfectly in the neighborhood, as well as being a good use of design and space. It is also my understanding that the open porches and tuck under garage, which fit well, unfairly add about 25% to the massing number, putting them over the massing allotment. As it stands, the current massing requirements seem out of context with the neighborhood, and the size of new homes in the neighborhood. Please be inclined to approve all variance requests the Krezowskis have submitted. Thank you for your consideration.

Sincerely,  
Amy and Van Hapka

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

**GENERAL COMMENTS ON REQUEST:**

We are strongly in favor of Kitty & Mark Kretowski's variance being approved. We believe the massing ordinance was put in place in order to prevent the construction of overly massive and large structures in the neighborhood, but it unfortunately may impose some undue, and possibly unreasonable, constraints on homeowners with smaller lots.

We have reviewed Kitty & Mark's plans and it seems they have taken many measures to design a beautiful new home that will fit in nicely and be an improvement to the overall value of the neighborhood. They have also scaled back on joist and ceiling heights as much as

**SPECIFIC ISSUES OF CONCERNS:** they could to reduce the overall mass while still having a home they can reasonably be comfortable living in. The porch areas are also open, and though they are included in the massing calculations, will not actually create a feeling of a 'massive' structure. The same applies to the tucked under garage. And the overall dimensions of their new home will still be smaller than existing neighbors' on smaller lots.

We are looking forward to seeing their beautiful new home in our neighborhood!

Name:

Becky & David Evans

Address:

5040 Meadville Street, Greenwood

## Dale Cooney

---

**From:** Mark Setterholm <mark@drivethrutv.com>  
**Sent:** Tuesday, April 09, 2019 4:38 PM  
**To:** Dale Cooney  
**Subject:** Mark & Kitty letter (in case you can't read my writing on the pdf I sent to you)

Dear Dale,

I had the opportunity to review the proposed new home construction plans for Mark & Kitty Krezowski @ 5130 Meadville St. I was impressed with how compatible the size and design of the new home would be with their other neighbor's homes.

It is obvious that they spent a lot of time designing this dwelling to the constraints of our Greenwood Massing Ordinance. It is my opinion that the tuck-under garage is the best way to deal with that challenge & should not be counted against the above ground volume allowed. Same thing with the open porches; they are very attractive in the design of the home and should not be counted against total massing volume.

Sandy & I have no specific issues or concerns. We are excited that the Krezowski are willing to add another beautiful home to our beloved Meadville St.

Thank you,  
Mark Setterholm

--

[Our Recent Work](#)

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**MARK SETTERHOLM**  
President



510 First Ave. N. Suite 800 Minneapolis, MN 55403 | [drivethrutv.com](http://drivethrutv.com)

O 612-338-4656  
M 612-237-5988

**Dale Cooney**

---

**Subject:** FW: Variance for 5130 Meadville Street

---

**From:** Mark Krezowski [mailto:mark@customer1st.com]  
**Sent:** Tuesday, April 09, 2019 1:02 PM  
**To:** Dale Cooney  
**Subject:** Fwd: Variance for 5130 Meadville Street

Hi Dale,

Please add this very kind note where the Jonikas's copied me. Thanks.

Regards,

Mark Krezowski

Begin forwarded message:

**From:** Michael Jonikas <michaeljonikas@gmail.com>  
**Subject: Variance for 5130 Meadville Street**  
**Date:** April 8, 2019 at 6:46:47 PM CDT  
**To:** <dale@mediacombb.net>  
**Cc:** <mark@customer1st.com>

Dale,

Hope all is well for you. We have lived in Greenwood for 3 1/2 years. It is a beautiful place to live with great people. Mark and Kitty Krezowski are examples of the great people in Greenwood. We are excited for Mark and Kitty as they embark upon building a new home. And, we are fully supportive of their construction plan and requested variances.

Their new home will be a beautiful traditional lake home. The size, and style, of the home will fit very well within the Meadville neighborhood. Their new home will be very proportional in size relative to their lot size. And, it will be among the smaller new homes within the neighborhood.

There are no concerns in regard to their requested variances to maintain their existing set backs, to provide a nominal increase in hardcover (proposed 33.2% vs. allowable 32.9%), and to allow incremental volume/massing (+12% vs. allowable above grade building volume of 42,670 cubic feet). There are no concerns to the volume/massing variance given the proposed increase is related to the tuck under garage. Their proposed design is the optimal use of garage space. The tuck under garage, along with the open porches, will provide a beautiful home. Further, this design approach does not create a visual mass feature related to the garage.

In summary, we are fully supportive of their construction plan and requested variances.

Warmest regards,

Mike & Deb Jonikas

4930 Meadville Street  
Excelsior, MN 55331  
612-801-5462

**Dale Cooney**

---

**Subject:** FW: Krezowski Home variance

**From:** Mark Krezowski [<mailto:mark@customer1st.com>]  
**Sent:** Monday, April 08, 2019 3:04 PM  
**To:** Dale Cooney  
**Cc:** [karen@easyenvelopes.com](mailto:karen@easyenvelopes.com); [doug@easyenvelopes.com](mailto:doug@easyenvelopes.com); Mark Krezowski  
**Subject:** Fwd: Krezowski Home variance

Hi Dale,

Karen Koehnen and Doug Nelson asked me to forward this to you per their comments below. Please include with your packets at the upcoming meetings, thanks.

Regards,

Mark Krezowski  
Customer 1st.  
[www.customer1st.com](http://www.customer1st.com)  
Cell: 612-868-3783

Begin forwarded message:

**From:** Karen Koehnen <[karen@easyenvelopes.com](mailto:karen@easyenvelopes.com)>  
**Subject: Re: Krezowski Home variance**  
**Date:** April 8, 2019 at 2:03:58 PM CDT  
**To:** Mark Krezowski <[mark@customer1st.com](mailto:mark@customer1st.com)>, Doug Nelson <[doug@easyenvelopes.com](mailto:doug@easyenvelopes.com)>

Hi Mark,

After looking at your plans both Doug and I do not object to any of your plans. We are traveling now so we are not able to send a formal letter to the city. I hope you can copy this and send it to them. Good luck with your plans, the house looks beautiful.

City of Greenwood,

Karen Koehnen and Doug Nelson (5200 Meadville Street) do not object to the Krezowski's in building their new home on Meadville Street. We do not see any objections to the project or the plans. We hope that this email will be satisfactory as we are traveling and it's difficult to send anything more formal. I have given Mark Krezowski permission to send this email to you.

Sincerely,

Karen Koehnen  
612.720.3393  
Doug Nelson  
612.867.2121

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

GENERAL COMMENTS ON REQUEST:

As much as I can appreciate property owners' desire to improve their properties, I believe the city established setbacks, etc. so that Greenwood will retain its charm and not begin to look like those areas around the lake where "10 lb. houses sit on 5 lb. lots."

Renovating the existing structure should be allowed, but not expanding / extending the footprint.  
Or Building a new house with the same footprint as the current home.

SPECIFIC ISSUES or CONCERNS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name: Patti Loftus, owner of 5165 Mendota St.  
Address: 7526 Norling Ave SW Cohasset, MN 55321

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

## Dale Cooney

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**From:** Chris O'Leary <oleary5030@gmail.com>  
**Sent:** Sunday, April 07, 2019 2:03 PM  
**To:** Julie O'Leary; dalec@mediacombb.net  
**Subject:** Mark and Kitty Krezowski's Proposed New Home

Hi Dale,

We live at 5030 Meadville Street. We would like to comment on the Krezowski home project as we may not be at the meeting.

First off, the design is beautiful and will be a great addition to the neighborhood. The style fits, the size fits, and it is a tremendous improvement. Ironically, even though the house and lot size are small, the house is so visible given that everyone stares at it as they round the corner. We are excited to see it done.

We also realize that technically it is 12% above massing due to the tuck under garage. This does not bother us at all, as the lot calls for a tuck under, which is unusual, and the house itself is proportionate to the lot size.

Let us know if we can be of further help.

Sincerely,

Chris and Julie O'Leary

## Dale Cooney

---

**From:** Greg Frankenfield <GregF@magenic.com>  
**Sent:** Sunday, April 07, 2019 1:37 PM  
**To:** dalec@mediacombb.net  
**Subject:** 5130 Meadville St. Variance Request

As a neighbor at 5185, and 5175 Meadville St., I would like to express my support of the variance request for 5130 Meadville St. The request is appropriate for the lot and the neighborhood and would improve the property values of all the homes in the area. It would cause no disruptions in my business during construction or thereafter. Please consider approving the request.

Regards,  
Greg Frankenfield  
Property Owner  
5175/5185 Meadville St.

Robert A. Schroeder  
1707 Summit Avenue  
Minneapolis, MN 55403  
612-670-6258  
[bobschro@gmail.com](mailto:bobschro@gmail.com)

April 7, 2019

Dale Cooney  
City of Greenwood  
20225 Cottagewood Road  
Deephaven, MN 55331

Hello Dale:

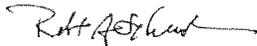
My wife and I own the home at 5050 Meadville Street, Greenwood, MN 55331.

After reviewing the variance request of Mark and Katharine Krezowski, of 5130 Meadville Street, we are happy to support their request.

Please let me know if you have any questions.

Thank you again for all your work.

Sincerely,



Robert A. Schroeder



Karen A. Brooks

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

**GENERAL COMMENTS ON REQUEST:**

We fully support the building of Mark and Kitty Krezowski's new home at 5130 Meadville Street. We have reviewed their building plans including the variances they have requested. Their new home will beautify our neighborhood, making Greenwood an even more desirable place to live. They are good neighbors with meticulous attention to maintaining their property and protecting the environment. We urge you to approve their variance requests.

**SPECIFIC ISSUES or CONCERNS:**

We have no issues or concerns. We fully support the variances requested.

Name: Marcia Jettens Jeffrey Jettens  
Address: 5100 Meadville Street

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

## Dale Cooney

---

**From:** John Graves <johngravesmn@gmail.com>  
**Sent:** Monday, April 08, 2019 10:58 AM  
**To:** dalec@mediacombb.net  
**Subject:** Krezowski House

Dale,

The Krezowski's new home looks like it will fit in very well with the existing homes and is proportional in size with the lot size.

There are no concerns to the 12% above massing due to the tuck under garage as it is a best use of garage space as well as the open porches provide a visually attractive appearance and do not create a visual mass feature.

I would like to see the Krezowski's given their variance requests such that they can move forward with their home improving the look and value of our neighborhood.

Best regards,

John Graves  
5110 Meadville

**Resident Comment Form - This form will become part of the public record and therefore may be viewed by anyone.**

**General comments on request:**

The Krezowski's contemplated new home is beautiful but is clearly too large for their lot.

The proposed new house extends four feet further toward the lake which, if allowed, would reduce our property value significantly, as our current views of the lake would be diminished, along with blocking the light and air we now enjoy, with ours and Krezowski's current homes, being an equal distant from the lake.

A major factor determining the value of all lake properties is not only the access to the lake but the view of the lake as well. With our two homes built so close together, that extra four feet will have a severe adverse visual impact by replacing our current lake views with a wall of windows.

**Specific issues or concerns**

Consequently, we request the Krezowski's to amend their plans to be in compliance with the massing ordinance so that their new home does not diminish the value and enjoyment of ours.

**Name:** Joseph and Marna Fronius  
**Address:** 5140 Meadville Street Greenwood MN. 55331

**Please return completed form to the attention of Dale Cooney @ 20225 Cottagewood Road, Deephaven MN55331 or fax to (952) 474-1274**

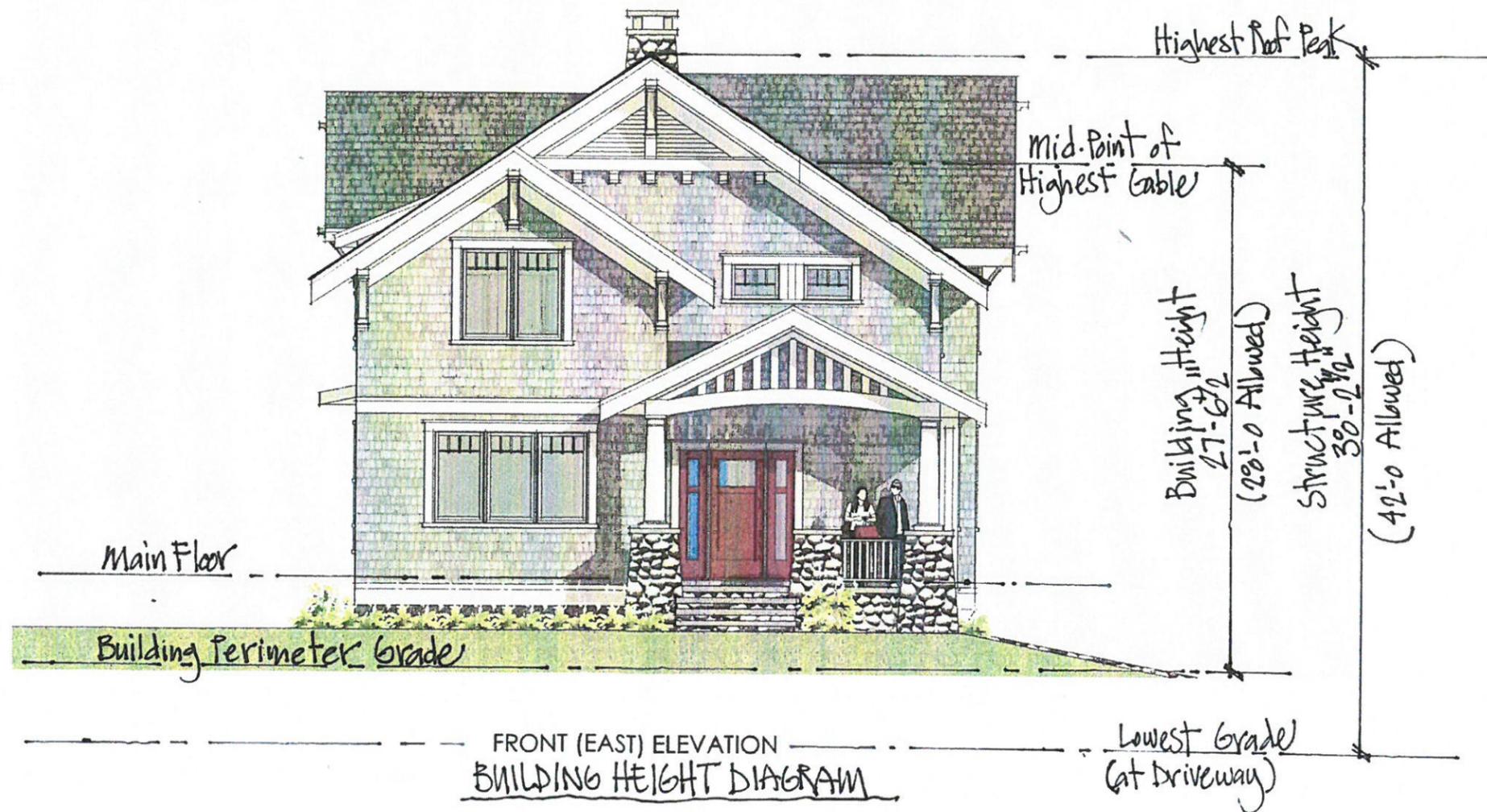
## Dale Cooney

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**From:** david evans <juevos1111@gmail.com>  
**Sent:** Monday, April 08, 2019 9:20 AM  
**To:** dalec@mediacombb.net  
**Subject:** Krezowski house plans

Hi Dale it's David Evans from 5040 Meadville st, just wanted to say that I approve Mark and Kitty's house plans, they seem to know well what they are doing, think it will be great addition to the neighborhood, thanks!

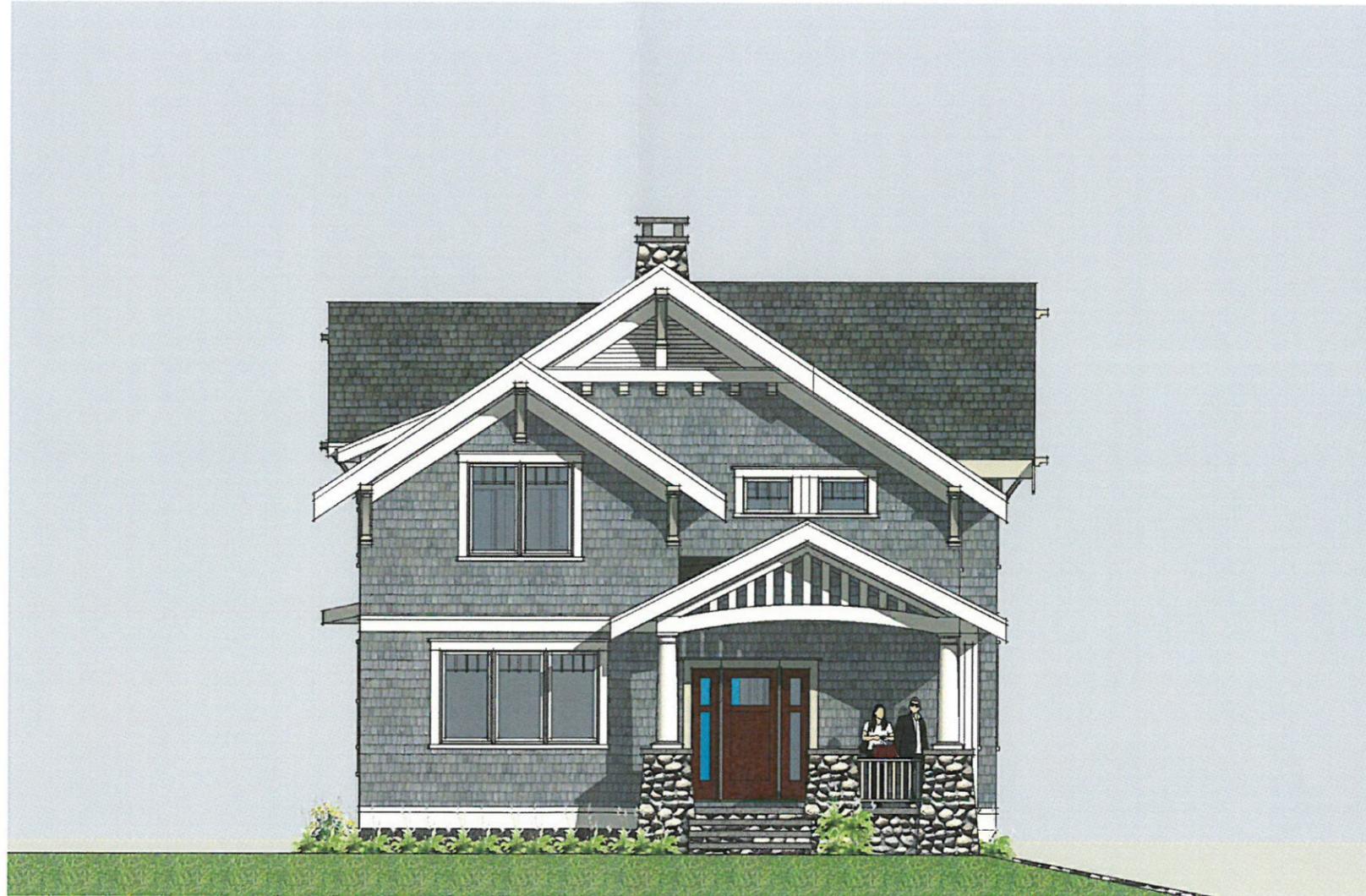
David Evans



KREZOWSKI RESIDENCE  
 by HENDEL HOMES

3/7/2019  
 EXTERIOR IMAGES

COPYRIGHT 2019, RON BRENNER ARCHITECTS



FRONT (EAST) ELEVATION

KREZOWSKI RESIDENCE  
by HENDEL HOMES

3/7/2019  
EXTERIOR IMAGES

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RIGHT SIDE (MEADVILLE) ELEVATION

KREZOWSKI RESIDENCE  
by HENDEL HOMES

3/7/2019  
EXTERIOR IMAGES

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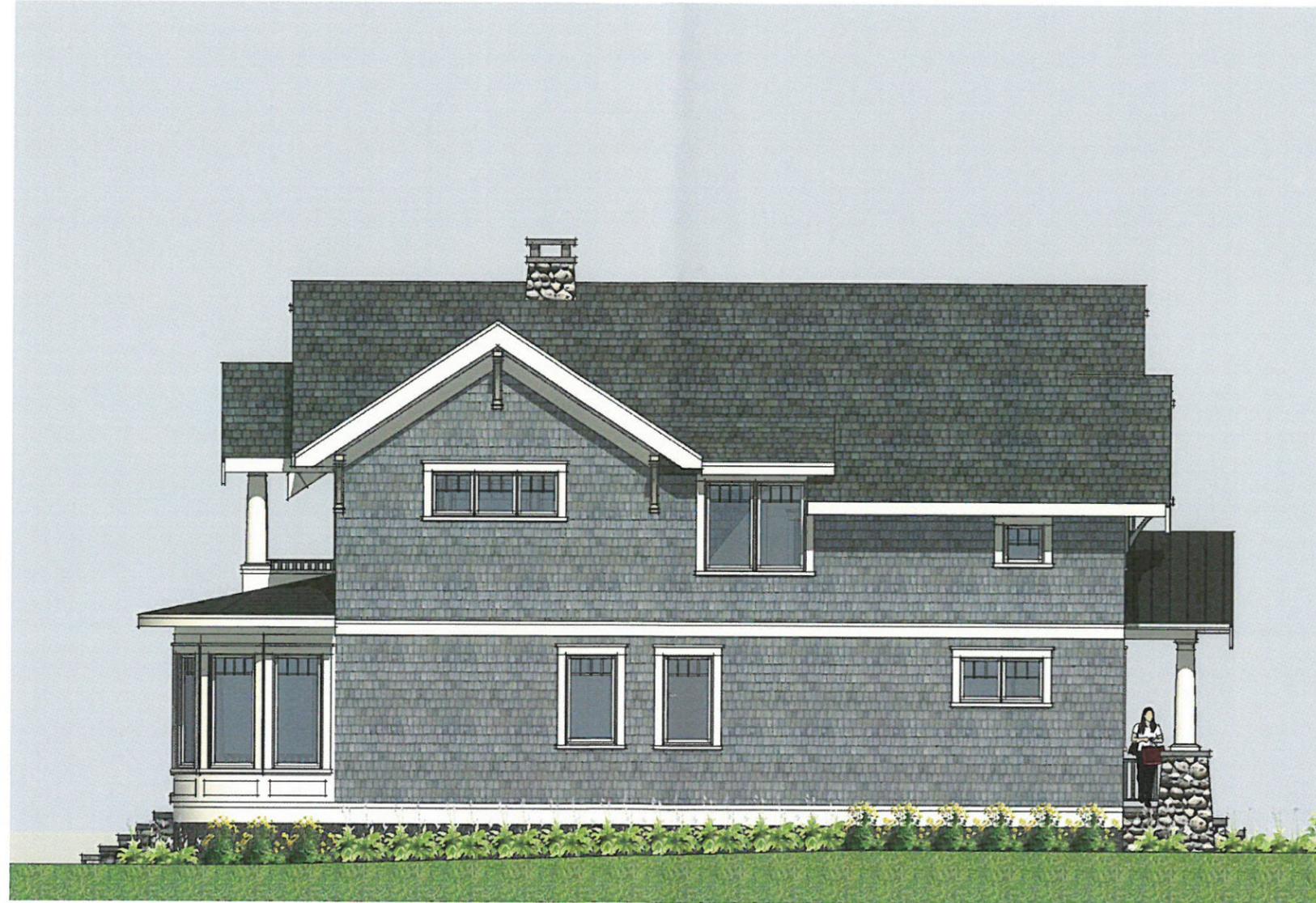


LAKE SIDE (WEST) ELEVATION

KREZOWSKI RESIDENCE  
by HENDEL HOMES

3/7/2019  
EXTERIOR IMAGES

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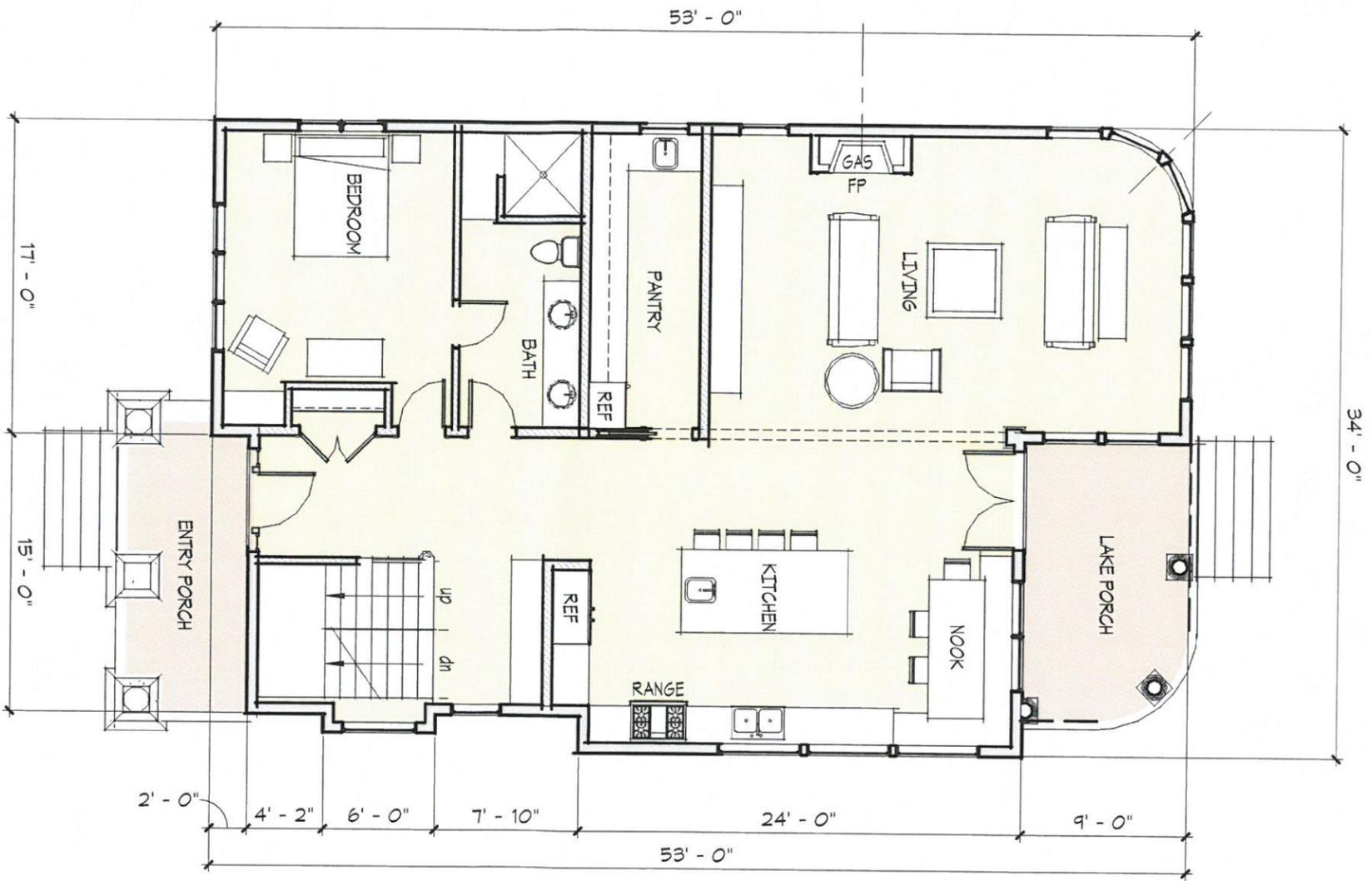


LEFT SIDE (SOUTH) ELEVATION

KREZOWSKI RESIDENCE  
by HENDEL HOMES

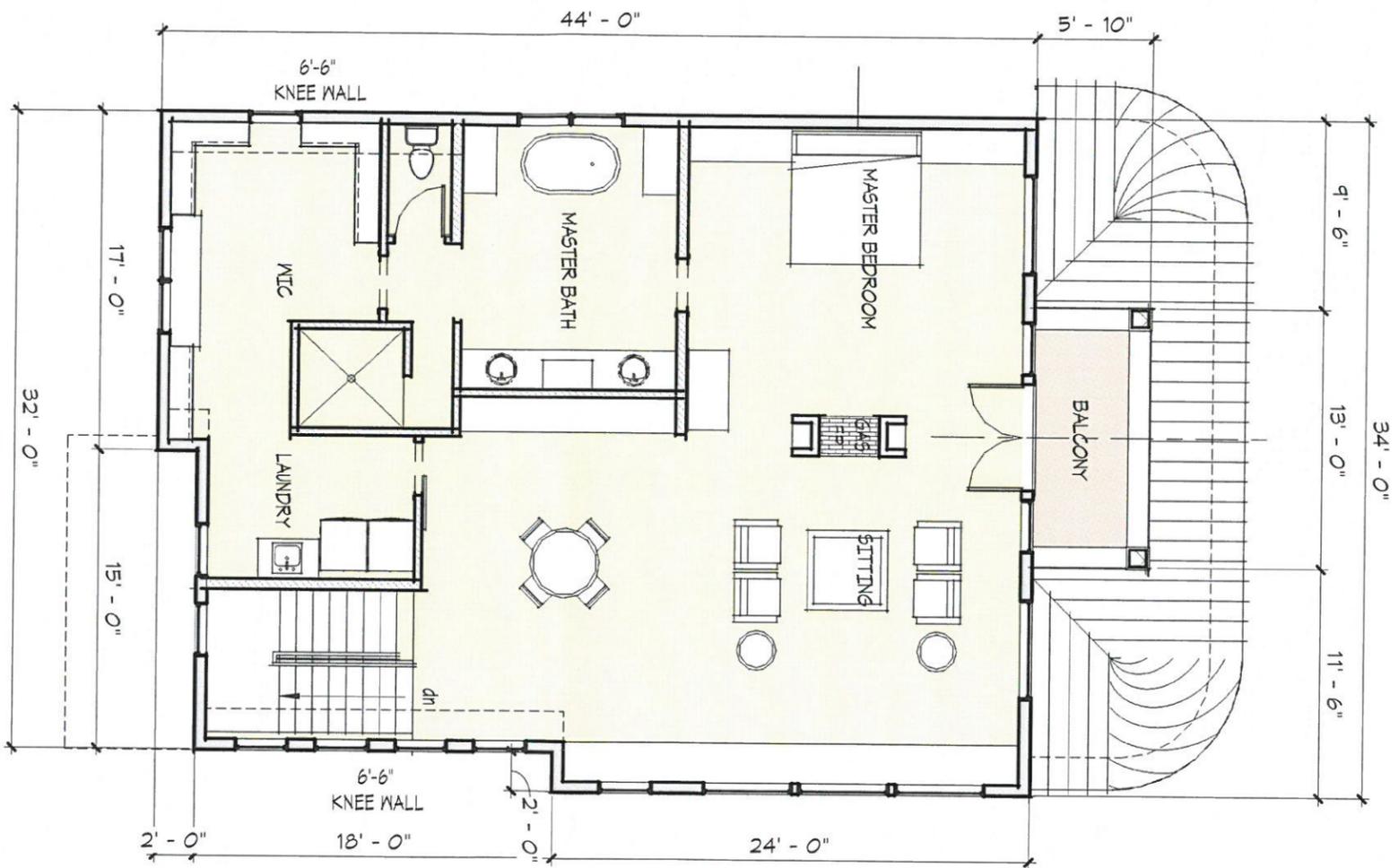
3/7/2019  
EXTERIOR IMAGES

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KREZOWSKI RESIDENCE  
by HENDEL HOMES

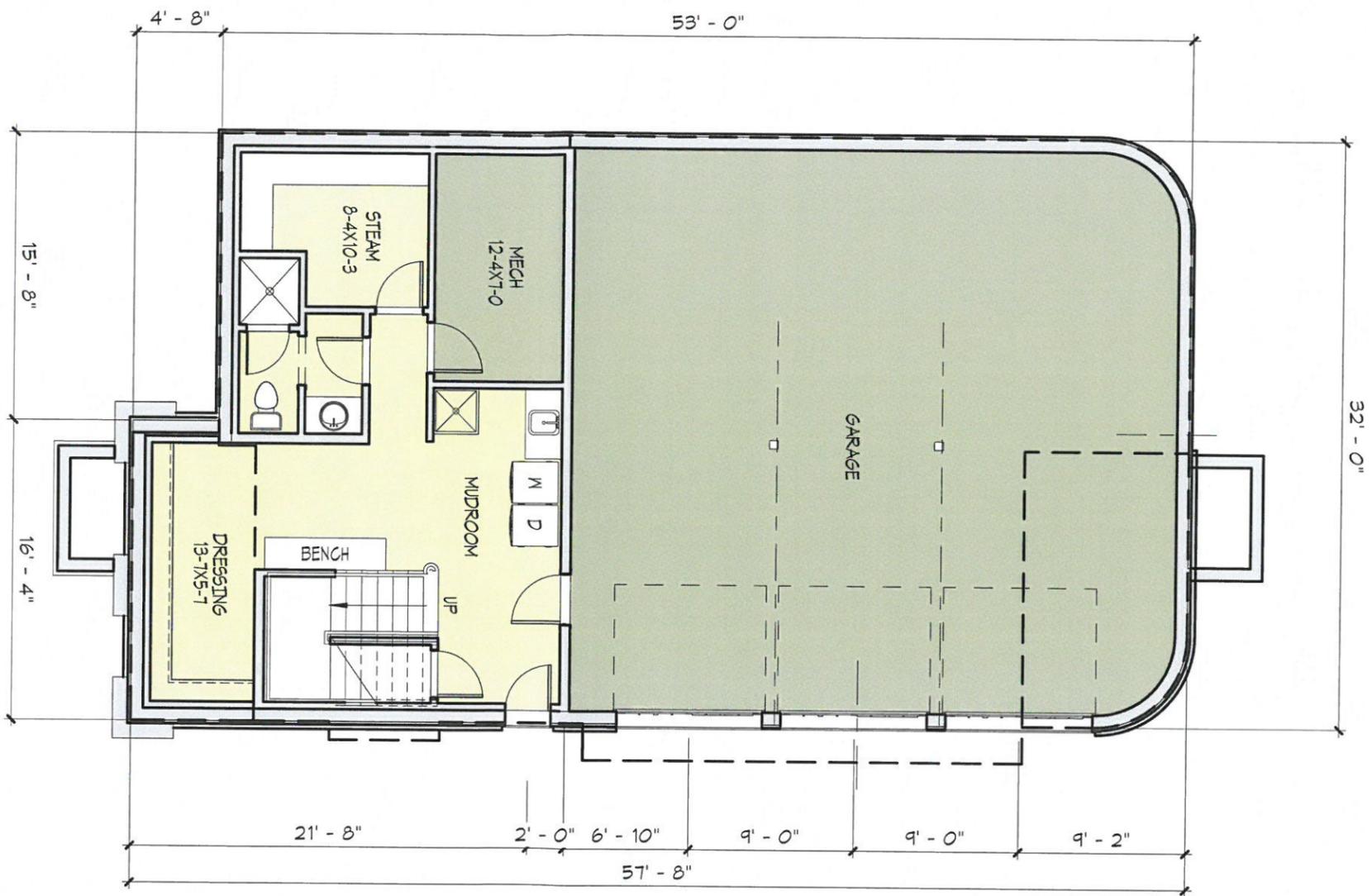
MAIN LEVEL FLOOR PLAN 1/8"=1'-0"  
1580 FINISHED SQUARE FEET plus 235 SF PORCHES  
2/28/2019 - RON BRENNER ARCHITECTS



KREZOMSKI RESIDENCE  
by HENDEL HOMES

UPPER LEVEL FLOOR PLAN  
1426 FINISHED SQUARE FEET

2/28/2018 - RON BRENNER ARCHITECTS



KREZOWSKI RESIDENCE  
by HENDEL HOMES

LOWER LEVEL FLOOR PLAN  
540 FINISHED SQUARE FEET

1/8"=1'-0"

2/28/2018 - RON BRENNER ARCHITECTS

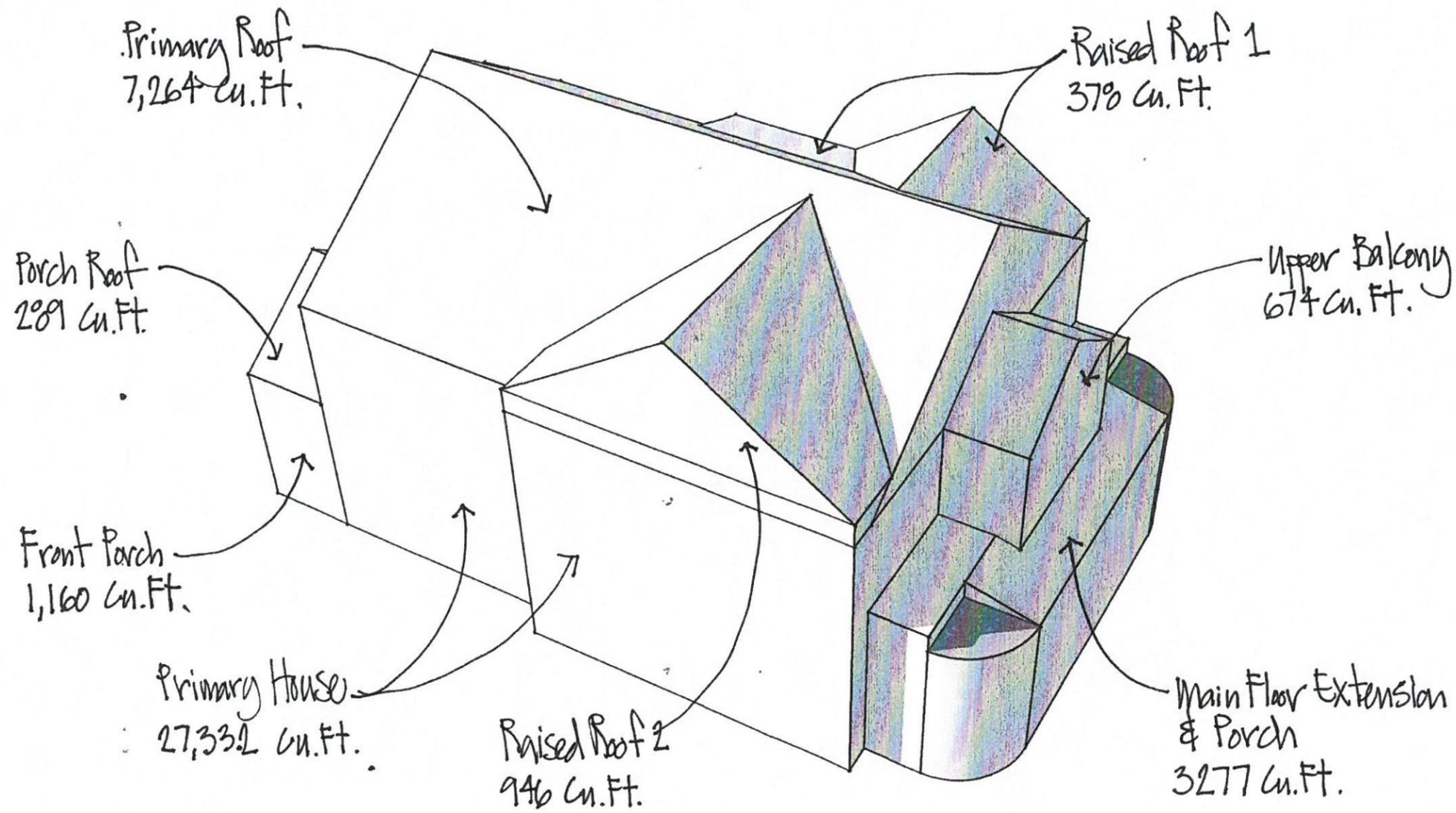


PERSPECTIVE FROM ENTRY SIDE

KREZOWSKI RESIDENCE  
by HENDEL HOMES

3/7/2019  
EXTERIOR IMAGES

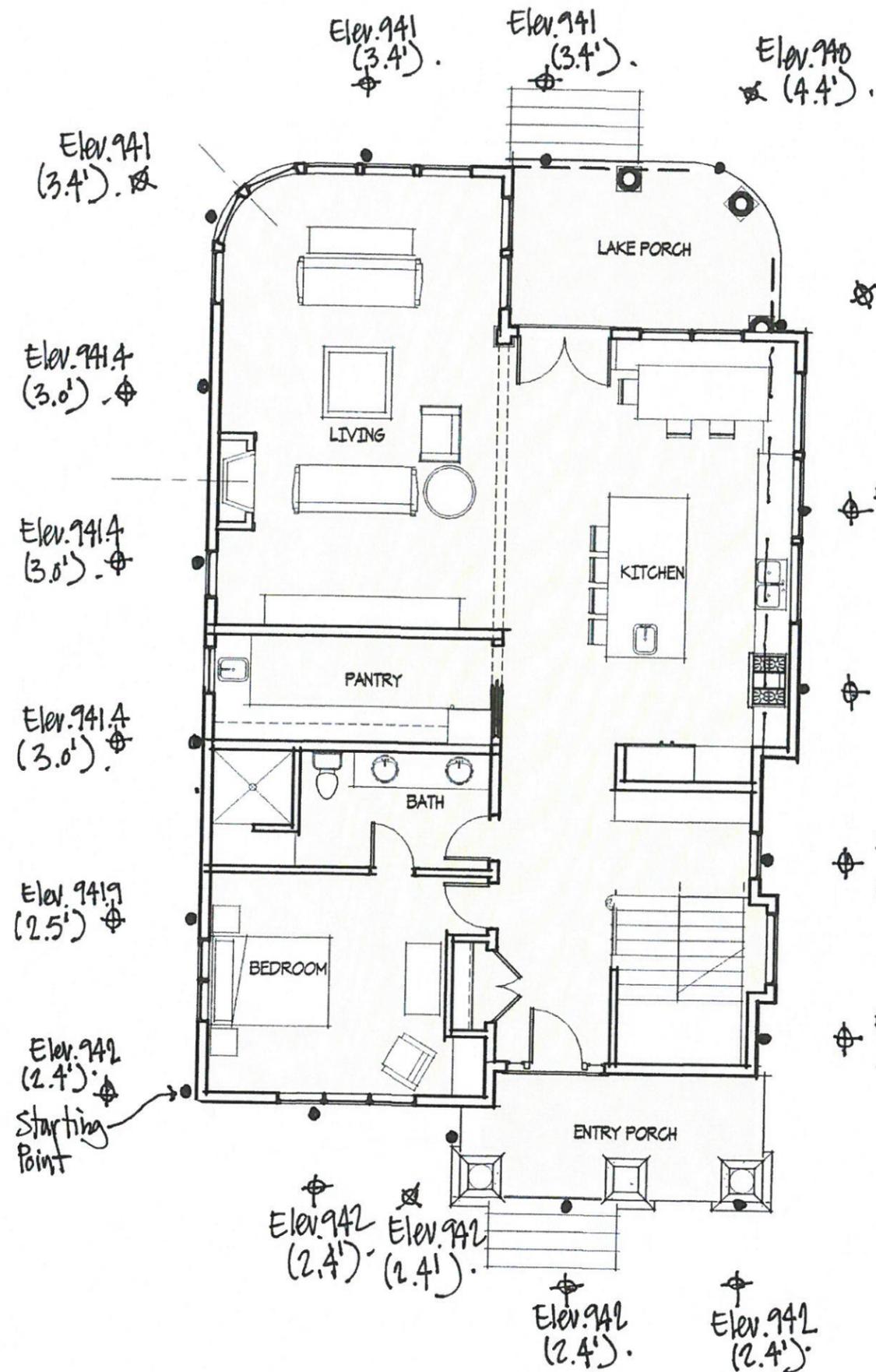
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7,264 primary roof  
 370 raised roof  
 674 upper balcony  
 3,277 main floor extension  
 & porch  
 946 raised roof 2  
 27,332 primary house  
 1,160 front porch  
 289 front porch roof  
(41,320 Superstructure Volume)  
 (Building Volume above  
 foundation level)  
 \* includes roof covered  
 porches calculated as  
 100% solid

Krezowski Residence  
 Superstructure Volume Diagram

2/27/2019  
 Ron Brenner Architects



T.O. Foundation = 944.43'

2.4 x 6	= 14.4
2.5 x 1	= 2.5
3.0 x 3	= 9.0
3.4 x 4	= 13.6
4.4 x 1	= 4.4
5.4 x 1	= 5.4
8.4 x 2	= 16.8
Totals	→ 18 66.1

$66.1 \div 18 = 3.67'$   
 Average Height of Finished Foundation  
 $3.67 \times 1761$  (house/porch area)  
 = 6,463 Cu. Ft.  
 Above Grade Basement Volume

Above Grade Building Volume equals Superstructure Volume plus Above Grade Basement Volume  
 41,320 (Superstructure Volume)  
 6,463 (Above Grade Basement Volume)  


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 47,783 Above Grade Building Volume (Cu. Ft.) Proposed

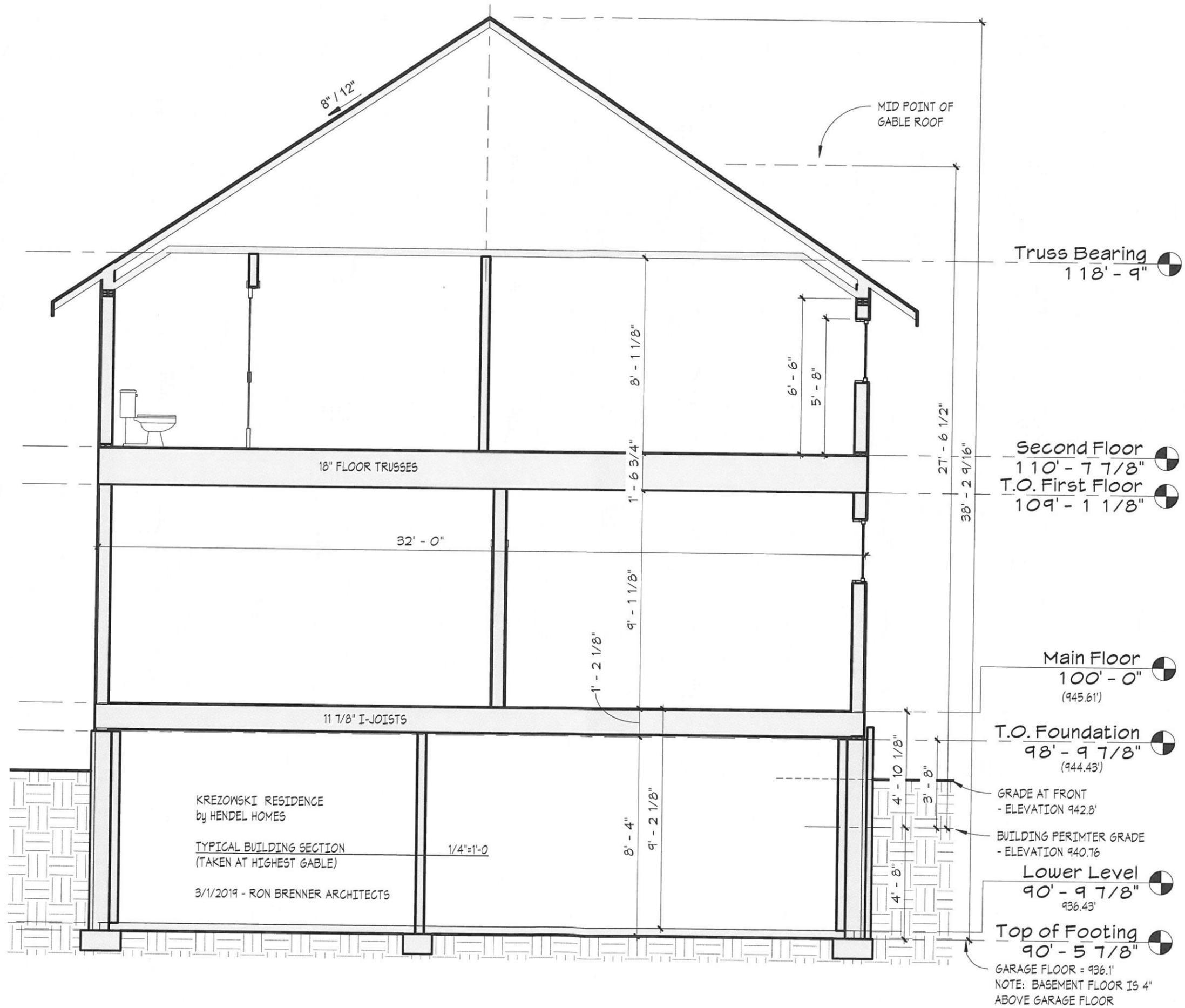
Allowable Above Grade Building Volume Site Area times 6.  
 7,113 (Site Area)  
 x 6  


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 42,678 Cu. Ft. allowed

Krezowski Residence  
 Above Grade Basement Volume

2/27/2019  
 Pam Brenner Architects



**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 be 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.

**LEGAL DESCRIPTION:**

Northeasterly 1/2 Front and Rear of Lot 194, Auditor's Subdivision No. 141, Hennepin County, Minnesota.

**SCOPE OF WORK & LIMITATIONS:**

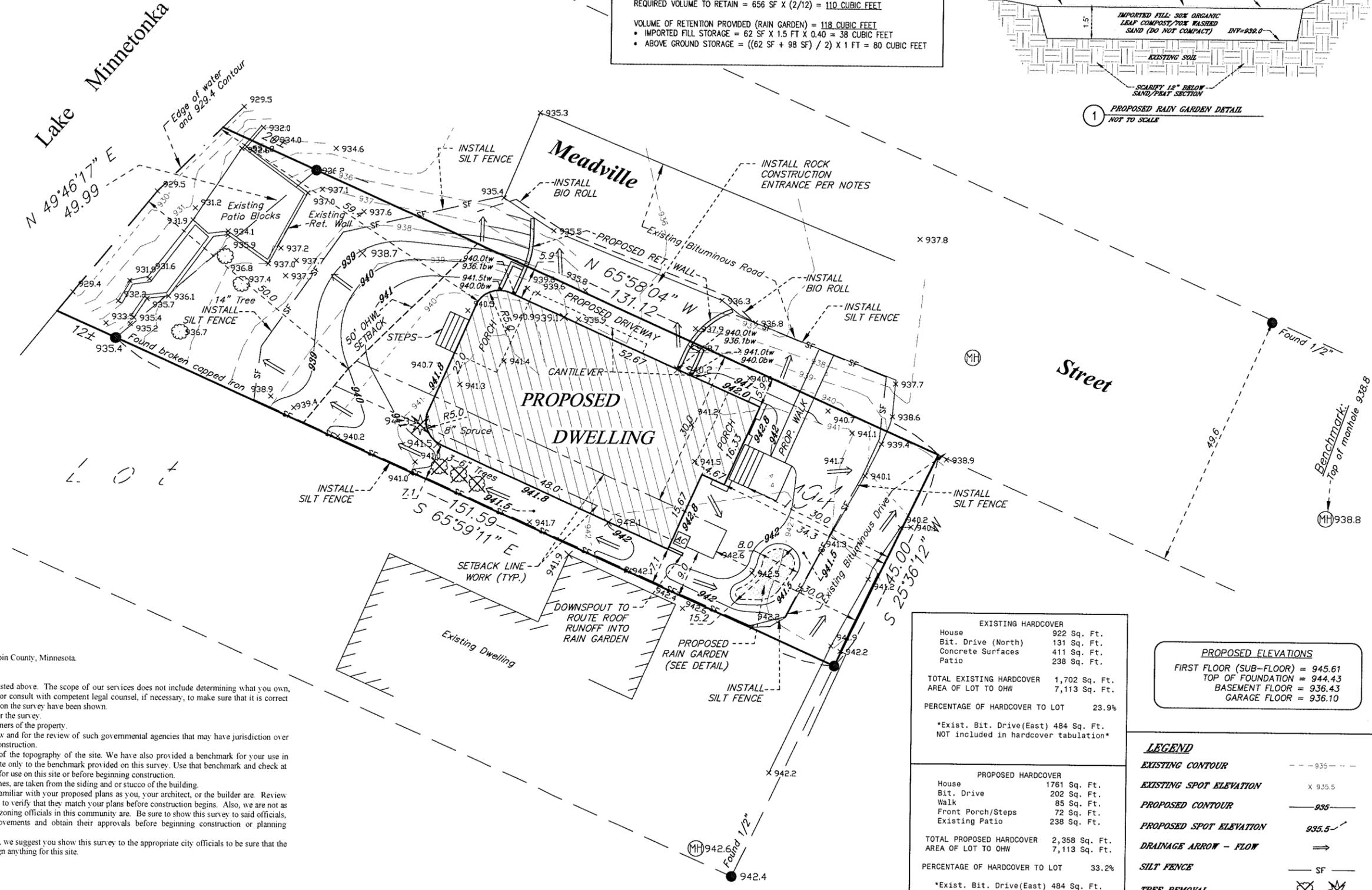
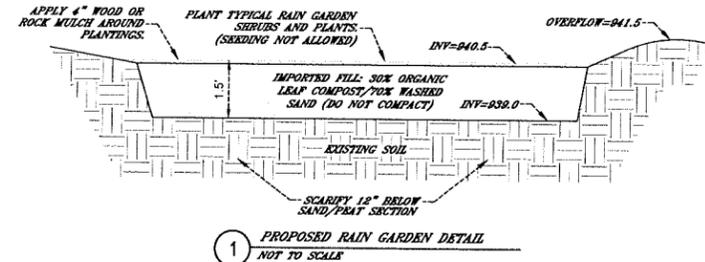
1. Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
2. Showing the location of observed existing improvements we deem necessary for the survey.
3. Setting survey markers or verifying existing survey markers to establish the corners of the property.
4. Showing and tabulating impervious surface coverage 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.
5. Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction.
6. Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.
7. 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.
8. 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, set, unless otherwise noted.

**STORMWATER MANAGEMENT REQUIREMENTS**

VOLUME CONTROL - ONSITE RETENTION OF 2-INCH STORM EVENT OVER PROPOSED INCREASE IN IMPERVIOUS SURFACES.  
 PROPOSED IMPERVIOUS AREA INCREASE = 656 SQUARE FEET  
 REQUIRED VOLUME TO RETAIN = 656 SF X (2/12) = 110 CUBIC FEET  
 VOLUME OF RETENTION PROVIDED (RAIN GARDEN) = 118 CUBIC FEET  
 • IMPORTED FILL STORAGE = 62 SF X 1.5 FT X 0.40 = 38 CUBIC FEET  
 • ABOVE GROUND STORAGE = ((62 SF + 98 SF) / 2) X 1 FT = 80 CUBIC FEET



EXISTING HARDCOVER	
House	922 Sq. Ft.
Bit. Drive (North)	131 Sq. Ft.
Concrete Surfaces	411 Sq. Ft.
Patio	238 Sq. Ft.
<b>TOTAL EXISTING HARDCOVER</b>	<b>1,702 Sq. Ft.</b>
AREA OF LOT TO OHW	7,113 Sq. Ft.
<b>PERCENTAGE OF HARDCOVER TO LOT</b>	<b>23.9%</b>

\*Exist. Bit. Drive(East) 484 Sq. Ft. NOT included in hardcover tabulation\*

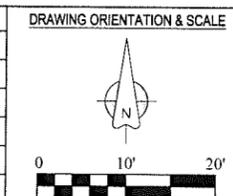
PROPOSED ELEVATIONS	
FIRST FLOOR (SUB-FLOOR)	= 945.61
TOP OF FOUNDATION	= 944.43
BASEMENT FLOOR	= 936.43
GARAGE FLOOR	= 936.10

PROPOSED HARDCOVER	
House	1761 Sq. Ft.
Bit. Drive	202 Sq. Ft.
Walk	85 Sq. Ft.
Front Porch/Steps	72 Sq. Ft.
Existing Patio	238 Sq. Ft.
<b>TOTAL PROPOSED HARDCOVER</b>	<b>2,358 Sq. Ft.</b>
AREA OF LOT TO OHW	7,113 Sq. Ft.
<b>PERCENTAGE OF HARDCOVER TO LOT</b>	<b>33.2%</b>

\*Exist. Bit. Drive(East) 484 Sq. Ft. NOT included in hardcover tabulation\*

LEGEND	
EXISTING CONTOUR	--- 935 ---
EXISTING SPOT ELEVATION	X 935.5
PROPOSED CONTOUR	— 935 —
PROPOSED SPOT ELEVATION	935.5
DRAINAGE ARROW - FLOW	⇒
SILT FENCE	— SF —
TREE REMOVAL	⊗

DATE	REVISION DESCRIPTION
3-5-19	PER CLIENT COMMENTS
3-7-19	MOVED PROPOSED HOUSE
3-12-19	MOVED AC & UPDATED HARDCOVER



CLIENT NAME / JOB ADDRESS

**HENDEL HOMES**  
 5130 MEADVILLE ST.  
 GREENWOOD, MN

**Advance**  
 Surveying & Engineering, Co.

5300 South Hwy. No 101  
 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.

*John S. Rinke*  
 John S. Rinke  
 # 52716  
 LICENSE NO.  
 FEBRUARY 25, 2019  
 DATE

DATE SURVEYED: APRIL 11, 2016

SURVEYED BY  
 ADVANCED SURVEYING, & ENG., CO.

DATE DRAFTED: FEBRUARY 25, 2019

SHEET TITLE  
**PROPOSED SURVEY**

DRAWING NUMBER  
**190097 JR**

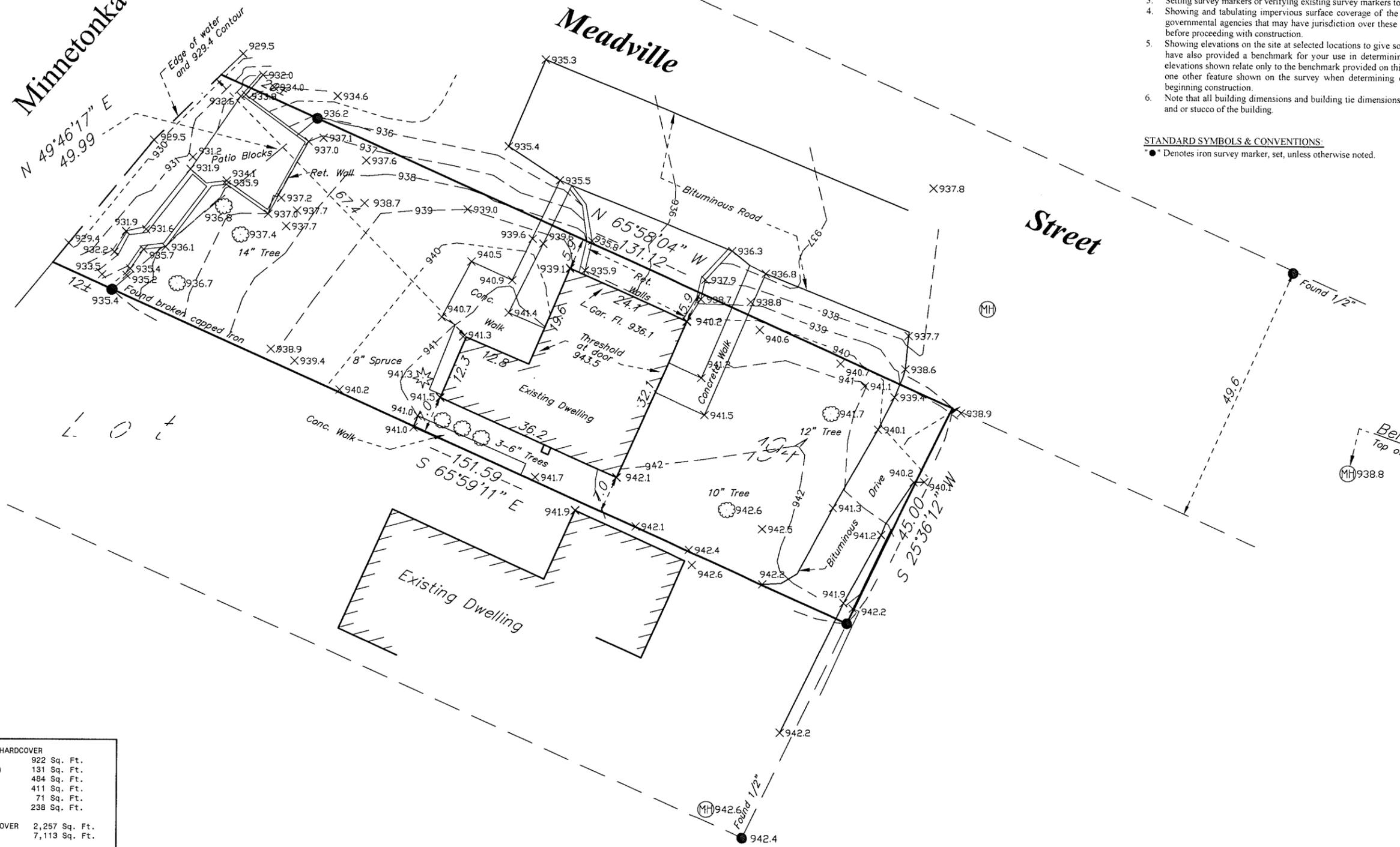
SHEET NO.  
**S1**

SHEET 1 OF 1

Lake Minnetonka  
N 49°46'17" E  
49.99

Meadville

Street



**LEGAL DESCRIPTION:**  
Northeasterly 1/2 Front and Rear of Lot 194, Auditor's Subdivision No. 141, Hennepin County, Minnesota.

**SCOPE OF WORK & LIMITATIONS:**

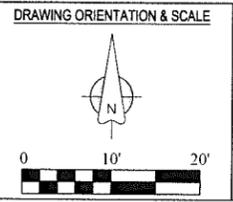
- Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make 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.
- Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.

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

EXISTING HARDCOVER	
House	922 Sq. Ft.
Bit. Drive (North)	131 Sq. Ft.
Bit. Drive (East)	484 Sq. Ft.
Concrete Surfaces	411 Sq. Ft.
Ret. Walls	71 Sq. Ft.
Patio	238 Sq. Ft.
<b>TOTAL EXISTING HARDCOVER</b>	<b>2,257 Sq. Ft.</b>
<b>AREA OF LOT TO OHW</b>	<b>7,113 Sq. Ft.</b>
<b>PERCENTAGE OF HARDCOVER TO LOT</b>	<b>31.7%</b>

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

DATE	REVISION DESCRIPTION



CLIENT NAME / JOB ADDRESS

**STONE ARCH LANDSCAPES**

5130 MEADVILLE ST.  
GREENWOOD, MN

**Advance**  
Surveying & Engineering, Co.

5300 South Hwy. No 101  
Minnetonka, Minnesota 55345  
Phone (952) 474-7964  
Web: www.advsur.com

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

*Thomas M. Bloom*  
Thomas M. Bloom  
# 42379  
LICENSE NO.  
APRIL 11, 2016  
DATE

DATE SURVEYED: APRIL 11, 2016

DATE DRAFTED: APRIL 11, 2016

SHEET TITLE  
**EXISTING CONDITIONS SURVEY**

DRAWING NUMBER  
**160197 TB**

SHEET NO.  
**S0**

SHEET 1 OF 1

**RESOLUTION NO 22-19**

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

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**DENYING**

**In Re: Application of Mark and Katharine Krezowski for the property at 5130 Meadville Street for a variance from Greenwood ordinance code sections 1120.15, 1120.20 and 1140.18 to encroach into the side and exterior side yard setback, exceed the maximum permitted impervious surface area, exceed the maximum permitted side yard wall height, and exceed the maximum above grade building volume in order to build an a new house on the property.**

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Mark and Katharine Krezowski , applicants, are the owners of property commonly known as 5130 Meadville Street, Greenwood, Minnesota 55331 (PID No. 26-117-23-32-0008) being real property in Hennepin County Minnesota and legally described as follows:

**Northeasterly 1/2 Front and Rear of Lot 194, Auditor’s Subdivision No. 141, Hennepin County, Minnesota.**

; and

**WHEREAS**, application was made for variance to zoning code sections 1120.15, 1120.20, and 1140.18 in conjunction with building a new house on the property that encroaches into the side and exterior side yard setbacks, exceeds the maximum permitted impervious surface area for the property, exceeds the maximum permitted side yard wall height, 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 April 10, 2019; 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 5130 Meadville Street, Greenwood, Minnesota 55331 (PID No. 26-117-23-32-0008) is a single-family lot of record located within the R-1 district.
2. The applicants propose a new house that would encroach 1.9 feet into the required side yard setback and 26.1 feet from the required exterior side yard setback. The exterior side yard setback expands the already significantly nonconforming existing encroachment by two feet by adding a cantilevered portion of the proposed house over the tuck under garage. The proposed side yard setback of 7.1 feet is slightly increased by .1 feet from existing, but the overall length of the house along this property line is 12 feet longer which increases the impacts to the neighboring property owner.
3. The applicant is proposing an impervious surface area of 33.2% and the sliding scale calculation from Section 1120.15 limits the maximum impervious surface area on the property to 32.9%.The applicants propose to exceed the maximum permitted impervious surface area by.3%. The existing hardcover on the property is 23.9%. Calculations do not include the 484 square feet of driveway that serves the two properties to the south.
4. The building volume limitation for the property is 42,678 cubic feet, and the applicants are proposing a building volume of 47,783 cubic feet. The applicants propose to exceed the maximum permitted building volume by 5,105 cubic feet. In part due to the narrow side yard setback, the excess massing would have significant negative impacts on the adjacent neighbors.
5. Section 1120.20, Subd. 1(b) limits the wall height to 1.5 times the applicable side yard setback distance within 20 feet of the side property line. The applicants are proposing a side yard wall height of 27 feet at the peak of the roof. The

proposed setback would limit the wall height to 10.5 feet, while the required setback would limit the wall height to 14.5 feet. While the wall height comparable to existing conditions at the roof peak and is 18 feet or less for half of its distance, the wall is 33% longer than the existing house wall.

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

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

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

Economic considerations alone shall not constitute practical difficulties.

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

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

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

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

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

8. The planning commission discussed the requests of Mark and Katharine Krezowski and on a 3-0 vote recommended the council deny the requests to vary from city code Sections 1120.15, 1120.20 and 1140.18 to encroach into the side and exterior side yard setback, exceed the maximum permitted impervious surface area, exceed the maximum permitted side yard wall height, and exceed the maximum above grade building volume, as proposed, for the property at 5130 Meadville Street, Greenwood, Minnesota 55331.

The proposal does not meet 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. The proposed expanded setbacks encroachments, scale of the side yard walls and scale of the proposed house is not in keeping with the spirit and intent of the ordinance.
- b) The variance, if granted, will NOT be consistent with the comprehensive plan since the plan is in conflict with recently implemented city ordinances, which currently permit reasonable accommodations for the maintenance and modernization of the residential housing stock.
- 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 expands the volume of the house in excess of city ordinances, expands the side yard wall areas along the narrow side yard setback, and significantly expands existing nonconforming conditions within the side yard and exterior side setback s. While some level of encroachment is in this situation based on the lot size and existing nonconformity, the scale of the proposed expansion does not attempt to work within constraints that would minimize impacts to adjacent neighbors.
- d) The plight of the landowner-applicant is NOT due to circumstances unique to the property and IS created by the

landowner because: the building volume and side wall heights are design decisions driven by the property owner and can readily be made to fit within the ordinance limitations. However, some level of setback encroachment is necessary to build a house on this property.

- e) The variance, if granted, WILL alter the essential character of the locality, because: the scale of the house is disproportionate to the lot size and will have significant impacts to the adjacent neighbor due to the narrow side yard setback.
- 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 determined that the request to vary from city code Sections 1120.15, 1120.20, and 1140.18 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 applicants have NOT made an adequate demonstration of facts meeting the standards of section 1155.10 necessary for the grant of a variance from Sections 1120.15, 1120.20, and 1140.18 and therefore variances to sections 1120.15, 1120.20 and 1140.18 of the ordinance to encroach into the side yard setback by 1.9 feet, to encroach into the exterior side yard setback by 26.1 feet, to exceed the maximum permitted impervious surface area by 0.3%, to exceed the maximum allowable building volume by 5,105 cubic feet, and to exceed the maximum permitted side yard wall height by 16.5 feet, for the property at 5130 Meadville Street should 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 Mark and Katharine Krezowski for the property at 5130 Meadville Street, Greenwood, Minnesota 55331 for variances to sections 1120.15, 1120.20 and 1140.18 of the ordinance to encroach into the side yard setback by 1.9 feet, to encroach into the exterior side yard setback by 26.1 feet, to exceed the maximum permitted impervious surface area by 0.3%, to exceed the maximum allowable building volume by 5,105 cubic feet, and to exceed the maximum permitted side yard wall height by 16.5 feet, for the property at 5130 Meadville Street is **DENIED**.

**PASSED** this 1st day of May, 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 23-19

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

---

DENYING

In Re: Application of Mark and Katharine Krezowski for the property at 5130 Meadville Street for a conditional use permit under Greenwood ordinance code section 1140.19(2) and 1150.20 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 300 square foot area.

---

**WHEREAS**, Applicants Mark and Katharine Krezowski (hereinafter 'Applicant') is the owner of property commonly known as 5130 Meadville Street, Greenwood, Minnesota 55331 (PID No. 26-117-23-32-0008) being real property located in Hennepin County, Minnesota and legally described as follows:

**Northeasterly 1/2 Front and Rear of Lot 194, Auditor's Subdivision No. 141, Hennepin County, Minnesota.**

; and

**WHEREAS**, the applicant proposes to regrade the property in conjunction with the construction of a 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 April 16, 2019; 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 5130 Meadville Street, Greenwood, Minnesota 55331 (PID No. 26-117-23-32-0008) 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 an area greater than 300 square feet in order to improve the overall drainage pattern for 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 discussed the CUP request and on a 3-0 vote recommended denial because the proposed CUP request does not comply with the CUP standards in Greenwood ordinance section 1150.20, Subd 1. To wit:
- (a) Since there is not an approved house plan, which would impact the final grading and topography for the property, it is not possible to determine if the proposal will or will not comply with the regulations specified in this ordinance for the district in which the proposed use is to be located.
  - (b) The use is one of the conditional uses permitted for the district in which it is to be located.
  - (c) Since there is not an approved house plan, which would impact the final grading and topography for the property, it is not possible to determine if the proposal will or will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city.
  - (d) Since there is not an approved house plan, which would impact the final grading and topography for the property, it is not possible to determine if the proposal will or will not be harmonious with the objectives of the comp plan.
  - (e) Since there is not an approved house plan, which would impact the final grading and topography for the property, it is not possible to determine if the proposal will or 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, 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. Since there is not an approved house plan, which would impact the final grading and topography for the property, it is not possible to determine if the proposal will or will not be served adequately by drainage structures.
  - (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) Since there is not an approved house plan, which would impact the final grading and topography for the property, it is not possible to determine if the proposal will or will not depreciate surrounding property values.
8. Based on the foregoing, the city council determined that the proposed CUP request does not comply with the CUP standards in Greenwood ordinance section 1150.20 subd 1, and not subject to any conditions.

### **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 not made an adequate demonstration of facts meeting the standards of sections 1140.19(2) and 1150.20 necessary for the granting of a CUP.

**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 deny the Conditional Use Permit to alter site / lot topography alterations that increase or decrease the average grade (existing compared to final conditions) by more than 1 foot in a 300 square foot area for the property at 5130 Meadville Street.

**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: **11A-E**

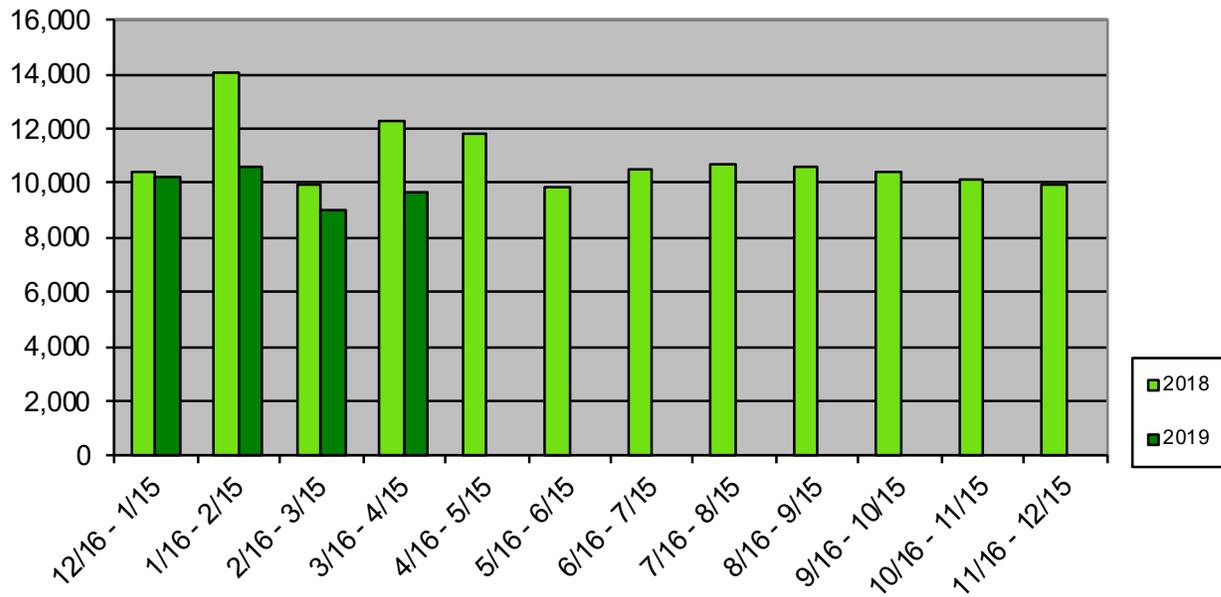
**Agenda Item:** Council Reports

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

Related documents are included in the hard copy of the full council packet and in the electronic version of the packet available at [www.greenwoodmn.com](http://www.greenwoodmn.com).

**Council Action:** None required.

City of Greenwood  
Website Total Hits



Month	2018	2019	Variance with Prior Month	Variance with Prior Year	Bulk Email List
12/16 - 1/15	10,441	10,255	356	-186	176
1/16 - 2/15	14,039	10,576	321	-3,463	175
2/16 - 3/15	9,974	9,038	-1,538	-936	174
3/16 - 4/15	12,252	9,638	600	-2,614	174
4/16 - 5/15	11,773	9,836	-9,638	-11,773	
5/16 - 6/15	9,836	10,511	0	-9,836	
6/16 - 7/15	10,511	10,658	0	-10,511	
7/16 - 8/15	10,658	10,555	0	-10,658	
8/16 - 9/15	10,555	10,439	0	-10,555	
9/16 - 10/15	10,439	10,159	0	-10,439	
10/16 - 11/15	10,159	9,899	0	-10,159	
11/16 - 12/15	9,899	9,877	0	-9,899	
<b>AVERAGE</b>	<b>10,878</b>	<b>9,877</b>			

**POPULATION: 724**  
**EMAIL ADDRESSES % OF POPULATION: 24.75%**

Population source: [www.metrocouncil.org](http://www.metrocouncil.org), Data & Maps, Download Data, Population and Household Estimates  
Population figure updated: 03-24-19

## 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
<a href="#">Default Home Page</a>	5132	53.25%
<a href="#">Agendas, Minutes, Meeting Packets</a>	597	6.19%
<a href="#">City Departments</a>	318	3.3%
<a href="#">Welcome to Greenwood</a>	291	3.02%
<a href="#">Assessments &amp; Taxes</a>	263	2.73%
<a href="#">RFPs &amp; Bids</a>	200	2.08%
<a href="#">Forms, Permits, Licenses</a>	188	1.95%
<a href="#">Code Book of Ordinances</a>	179	1.86%
<a href="#">Planning Commission</a>	174	1.81%
<a href="#">Mayor &amp; City Council</a>	153	1.59%
<a href="#">Photo Gallery</a>	104	1.08%
<a href="#">Community Surveys</a>	103	1.07%
<a href="#">Garbage &amp; Recycling</a>	100	1.04%
<a href="#">Budget &amp; Finances</a>	97	1.01%
<a href="#">Public Safety</a>	94	0.98%
<a href="#">Links</a>	87	0.9%
<a href="#">Spring Clean-Up Day</a>	85	0.88%
<a href="#">Elections, Voting</a>	77	0.8%
<a href="#">Parks, Trails &amp; Watercraft Amenities</a>	77	0.8%
<a href="#">Watercraft Spaces</a>	75	0.78%
<a href="#">Meetings on TV</a>	74	0.77%
<a href="#">St. Alban's Bay Lake Improvement District</a>	70	0.73%
<a href="#">Comp Plan</a>	67	0.7%
<a href="#">Lake Minnetonka</a>	65	0.67%
<a href="#">Agendas, Minutes, Meetings</a>	64	0.66%
<a href="#">Toilet Drain Guide</a>	59	0.61%
<a href="#">Search Results</a>	58	0.6%
<a href="#">Email Sign-Up</a>	57	0.59%
<a href="#">Fire Department</a>	54	0.56%
<a href="#">Meetings</a>	50	0.52%
<a href="#">Finances, Taxes, Assessments</a>	49	0.51%

<a href="#">Tree Contractors</a>	44	0.46%
<a href="#">SABLID Email Sign-Up</a>	43	0.45%
<a href="#">Coyotes &amp; Animal Services</a>	42	0.44%
<a href="#">July 4th</a>	42	0.44%
<a href="#">Old Log Events</a>	38	0.39%
<a href="#">City Newsletters</a>	38	0.39%
<a href="#">Homesteading</a>	37	0.38%
<a href="#">Sewer, Stormwater, Water, Garbage, Recycling</a>	34	0.35%
<a href="#">News, Events</a>	32	0.33%
<a href="#">Emergency Preparedness</a>	32	0.33%
<a href="#">Smoke Testing</a>	31	0.32%
<a href="#">Recreation, Amenities</a>	29	0.3%
<a href="#">Tour de Tonka</a>	28	0.29%
<a href="#">Well Water</a>	27	0.28%
<a href="#">Library Events</a>	26	0.27%
<a href="#">Luck O' the Lake</a>	25	0.26%
<a href="#">Christkindlsmarkt</a>	19	0.2%
<a href="#">Unsubscribe</a>	10	0.1%
<b>TOTAL</b>	<b>9638</b>	<b>100%</b>

### Unique IPs by Section

Section	Unique IPs	Percent of Total IPs
Default Home Page	1252	30.13%
Agendas, Minutes, Meeting Packets	294	7.07%
City Departments	257	6.18%
Welcome to Greenwood	162	3.9%
Assessments & Taxes	138	3.32%
Forms, Permits, Licenses	133	3.2%
Planning Commission	109	2.62%
Code Book of Ordinances	105	2.53%
Mayor & City Council	105	2.53%
Public Safety	79	1.9%
Photo Gallery	76	1.83%
Garbage & Recycling	70	1.68%
Elections, Voting	65	1.56%
Watercraft Spaces	61	1.47%
Spring Clean-Up Day	58	1.4%
Parks, Trails & Watercraft Amenities	57	1.37%
St. Alban's Bay Lake Improvement District	56	1.35%
Lake Minnetonka	54	1.3%
Community Surveys	54	1.3%
Toilet Drain Guide	50	1.2%
Comp Plan	50	1.2%
Agendas, Minutes, Meetings	46	1.11%
Meetings on TV	46	1.11%
Budget & Finances	46	1.11%
Email Sign-Up	43	1.03%
Meetings	40	0.96%
Links	40	0.96%
Finances, Taxes, Assessments	40	0.96%
Fire Department	39	0.94%
July 4th	39	0.94%
RFPs & Bids	37	0.89%
Tree Contractors	35	0.84%
Coyotes & Animal Services	34	0.82%
City Newsletters	32	0.77%
Old Log Events	31	0.75%
Sewer, Stormwater, Water, Garbage, Recycling	31	0.75%
SABLID Email Sign-Up	31	0.75%
Search Results	30	0.72%



Homesteading	30	0.72%
Emergency Preparedness	25	0.6%
Tour de Tonka	24	0.58%
News, Events	24	0.58%
Smoke Testing	23	0.55%
Recreation, Amenities	22	0.53%
Library Events	22	0.53%
Well Water	22	0.53%
Luck O' the Lake	19	0.46%
Christkindlsmarkt	16	0.38%
Unsubscribe	4	0.1%
<b>TOTAL</b>	<b>4156</b>	<b>100%</b>

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

**Done**

**From:** Laurie Larson tonkagirl4@gmail.com  
**Subject:** Re: Revisiting Easement for Drainage Channel  
**Date:** April 8, 2019 at 1:21 PM  
**To:** Debra Kind dkind100@me.com  
**Cc:** Dana Young danayoung@mchsi.com



Hello!

Thank you for the offer of revisitation of easement.

Maintenance of the drainage channel is not the issue. It is properly maintained by us.

According to the survey and topography study we obtained when this was first presented, the problem is much larger than maintenance.

After the reconstruction of Meadville Street and the subsequent digging-deeper of the drainage channel in 2015, we have had a lot of standing water in the swale because there is not enough downhill slope to the lake to drain it.

We will politely decline the easement at this time. We believe the "repairs" in 2015 improved the situation in the street, but worsened the situation on our property.

Thank you for being responsive.

Laura Larson

Sent from my iPhone

On Apr 7, 2019, at 6:37 PM, Debra Kind <[dkind100@me.com](mailto:dkind100@me.com)> wrote:

Laura —

After the recent issue with the drainage channel on your property, the city council is wondering if you would like to revisit the easement concept, so the city can maintain the drainage channel to avoid water backing up on to Meadville Street and your driveway in the future?

For your reference, attached is the easement agreement that was originally drafted in 2016.

If you are interested in proceeding with the easement, please print three hardcopies of the attached document, sign all three hardcopies before a Notary Public, and deliver the three hardcopies to the attention of Dana Young, Greenwood City Clerk, 20225 Cottagewood Road, Deephaven, MN 55331. Dana will sign the hardcopies, file one with the County Recorder, return one to you, and retain one for the city's files.

If you do not sign the easement agreement, you will continue to be responsible for maintaining the drainage channel, and the city will not be able to help you if there is flooding due to a blocked channel in the future.

Please contact Dana or me, if you have any questions.

Deb

**DEBRA J. KIND**  
**Mayor, City of Greenwood**  
20225 Cottagewood Road  
Deephaven, MN 55331  
[www.greenwoodmn.com](http://www.greenwoodmn.com)  
Main: 952.474.6633  
Direct: 612.718.6753  
[Email: dkind100@me.com](mailto:dkind100@me.com)

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<Drainage and Utility Easement LARSON.docx>





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.

Item #16 LMCD General Discussion  
- Added



## CITY OF ORONO

Street Address:  
2750 Kelley Parkway  
Orono, MN 55356

Mailing Address:  
P.O. Box 66  
Crystal Bay, MN 55323

Telephone (952) 249-4600  
Fax (952) 249-4616  
[www.ci.orono.mn.us](http://www.ci.orono.mn.us)

4/8/2019

Dear Business Owner:

On behalf of the Orono City Council we would like to confirm that only the City of Orono has jurisdictional authority over any and all land use regulations and permitting within the boundaries of the City of Orono, MN

If at any time any person, entity or governmental unit other than the City of Orono tries to impose any land use regulations or permitting on the land within the city of Orono then we would ask you to notify the City of Orono right away.

The City of Orono will use all the tools at our disposal, if necessary, to protect the integrity of the jurisdictional authority that the City of Orono has over all land use regulations and permitting within the City of Orono.

Thank you for your time and if you have any questions please call anytime.

Dennis Walsh  
Orono Mayor  
612.414.505

**From:** Michael Meehan MMeehan@southlakepd.com  
**Subject:** Greenwood Rental Property Notification Audit  
**Date:** April 11, 2019 at 1:16 PM  
**To:** Debra Kind dkind100@me.com, danayoung@mchsi.com

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Good afternoon,

SLMPD completed an audit of all calls for service to rental properties in the City of Greenwood and found a total of three calls. One of these was a noise complaint at the Greenwood Circle Apartments where the party was cooperative and mitigated the noise issue immediately. The property owner was not initially notified but we have sent notification following the audit. The other calls did not require notification.

Please contact me with any questions.

Mike Meehan  
Chief of Police  
South Lake Minnetonka PD



April 15, 2019

Dear Senator David Osmek  
95 University Avenue West  
Minnesota Senate Bldg, Room 2107  
St. Paul, MN 55155

Dear Senator Osmek:

On behalf of the Lake Minnetonka Board (LMA) of Directors, I wish to thank you for your efforts to clarify the role of the Lake Minnetonka Conservation District (LMCD). Much has changed since the LMCD was created over 50 years ago and the proposed changes are well overdue.

The LMA supports efforts to reduce duplication, confusion and conflict in how Lake Minnetonka is managed. Currently, there are over 24 local, regional, or and state agencies directly involved in the management of the lake. This leads to confusing and often conflicting rules and programs.

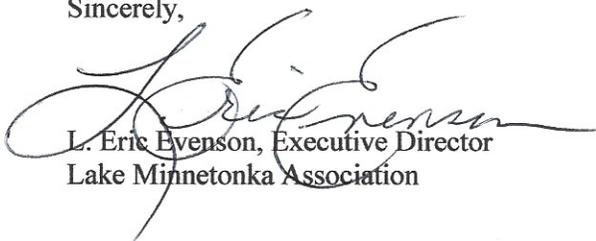
As a former city councilperson, you clearly appreciate the ability, capacity, and importance for cities to address commercial land use zoning in their communities. However, at a recent meeting, LMCD Board members indicated the LMCD was somehow pivotal in helping cities regulate traffic, parking issues, and neighborhood concerns related to commercial marinas. This is absurd, cities deal with commercial zoning routinely – most with more parking and traffic issues than marinas generate.

The LMCD stated they need authority on dry land to assure consistency among all lake cities. However, the DNR shoreline rules and MCWD regulations already provide baseline shore land and water management standards that all cities on Lake Minnetonka are required to follow. The LMCD regulations above the ordinary high water level (OHW) are simply redundant and unnecessary.

The LMCD also says they need authority above the OHW to regulate boats in dry storage to control boat density and protect boater safety. This argument is confusing and spurious. The LMCD's own ordinance allows marinas to double the slips on land for each one removed from the water. There are over 62,000 launches from public accesses each year and over 6,000 private slips on the lake. The number of boats coming off dry storage at marinas make up less than 1% of the boats on the lake at any one time. The real boating safety issues on Lake Minnetonka are related to alcohol, lack of training, and carelessness. Dry storage simply does not create density or safety issues and make good sense environmentally.

Again, I appreciate your common sense leadership in helping to protect Lake Minnetonka.

Sincerely,



L. Eric Evenson, Executive Director  
Lake Minnetonka Association

GREENWOOD PLANNING COMMISSION  
WEDNESDAY, APRIL 16, 2019  
7:00 P.M.

**1. CALL TO ORDER/ROLL CALL**

Chairman Lucking called the meeting to order at 7:06 p.m.

Members Present: Chairman Pat Lucking, Commissioner David Steingas

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

Absent: Commissioners Dean Barta and Kelsey Nelson

**2. MINUTES – February 13, 2019**

Motion by Conrad to approve the minutes as written. Motion was seconded by Lucking. Motion carried 3-0.

**3. PUBLIC HEARINGS**

**3a. consider the conditional use permit request of the Alvin E. McQuinn Revocable Trust, property owners, to regrade the property 4900 Meadville Street.**—Section 1140.19 (2) of the City Zoning Code requires a conditional use permit for any 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.

Lucking introduced the agenda item and opened the public hearing.

Cooney noted that the contractor applicant could not be at the meeting tonight due to the weather conditions and the fact that he would be travelling from Hutchinson, Minnesota.

Sandy Sevey of 4926 Meadville Street said that she met with Cooney and the city engineer. She said that she didn't want the changes to impact their garage or their basement. Sevey said that she wants to make sure the swale is working. She said that she thinks the plans will address their concerns but want to make sure that is the case.

John Rauth, 4910 Woods Court, said that he works for the McQuinns. He said that the McQuinns are sensitive to the neighbors' concerns and want to work on a good solution for everyone.

Lucking closed the public hearing. Lucking and Steingas said that they reviewed the engineer's comments and are comfortable approving the request based on those comments.

Steingas said that removing some of the road asphalt in the area might help reduce some of the water issues for the Seveys. Lucking said that the street near the property works well now and is dry after storms.

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

**3b. Consider variance and conditional use permit requests of Mark and Katharine Krezowski to encroach into the south side and corner side yard setbacks, exceed the maximum permitted impervious surface area, exceed the maximum above grade building volume, exceed the maximum side yard structure height and to regrade the property in conjunction with the construction of a new house at 5130 Meadville Street.**— Section 1120.15 of the Greenwood Zoning Code requires a side yard setback of 9 feet for the 45 foot wide lot, and a corner side yard setback of 30 feet. Section 1120.15 of the Greenwood Zoning Code limits the impervious area for a property of this size to 32.9%. Section 1140.19 (2) of the City Zoning Code requires a conditional use permit for any grading or site/lot topography

**GREENWOOD PLANNING COMMISSION**  
**WEDNESDAY, APRIL 16, 2019**  
**7:00 P.M.**

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.

Cooney noted that the staff report did not include information related to the new code changes on wall height. He said that there is a new limit of 1.5 feet of height per 1 foot of required setback. He noted that the required setback of 9 feet would limit the wall height to 13.5 feet and that the proposed wall height is 20.6 feet.

Lucking introduced the agenda item and opened the public hearing.

Rick Hendel of Hendel Homes, builder for the property owner, said they are trying to get a reasonable house on the lot and that they did not go as far as they could to the lake or to the maximum building height. He said that they are very close on hardcover. He said that the tuck under garage pushes up the overall house volume. He said that they tried to get the house to match the neighborhood.

Lucking asked if the house could be pushed back from the lake to lower the house. Hendel said that they run into the front setback by pushing it back. He said that the garage is as low as it can go and that they really tried to squeeze it down as much as they could.

Mark Krezowski, applicant, said that they would be willing to move the house away from the lake, but that would require an additional variance.

Steingas asked why the footprint isn't smaller. He said that the intent in the ordinance is to have a new house build to compliance. Hendel said that this house probably has the lowest hardcover of all the existing 10,000 square foot or less properties in the neighborhood.

Krezowski said that the house is a two bedroom, 2 bath house, but the rooms are just bigger. Steingas said that rooms could be smaller and that building new should be designed to comply.

Krezowski said that his wife has lived in Greenwood for over 30 years and he has lived in the house for 6 years. He said that they have been working on this plan for about 5 years. He said that they wanted a traditional look with front porch and a back porch. He said that they needed the more garage space to store lake equipment. Krezowski said that this will be the smallest new house in the neighborhood.

Joe Fronius, 5140 Meadville Street, said that it is a beautiful proposal but that it goes closer to the lake and blocks their lake view. He said that this limits the value of their property and that he would like to see the house moved back 4 feet.

Lucking asked if the driveway was an easement. Fronius said that it is an easement that does not benefit the Krezowski property. Conrad asked about the extent of the driveway. Krezowski explained the location.

Cooney said that the R-1 ordinance is new and he is learning to administer it. He said the strict application of the required side yard setbacks of 9 feet for a 45 foot wide lot would leave a 27 foot wide house. Cooney asked if, particularly given the cost of lakeshore properties, that might be a somewhat narrow limitation.

Steingas said that his house is a 30 foot wide house, excluding the garage area. He said that he is not saying every rule needs to be adhered to, but that in this particular case he is concerned about the proposed side yard setback facing the Fronius house as well as the volume. Steingas said that the lake yard setback is a race to the lake and that he would expect a new house to be built to the 50 foot setback. But, that he does not think the city should give variances to the multiple setback, volume, wall height, and hardcover requirements since it will lead to further requests in the future.

**GREENWOOD PLANNING COMMISSION**  
**WEDNESDAY, APRIL 16, 2019**  
**7:00 P.M.**

Lucking said that the city has usually been pretty firm on the volume limitations.

Conrad said that the house at 5290 Meadville needed variances since they could not meet the minimum house width without them.

Steingas said that he would like to see the side yard setback meet the 9 feet setback facing the Fronius property. Hendel said that they are meeting the existing setbacks. Steingas said that he would like to see at least the new portion meet the 9 foot setback.

Fronius said that they raised two children in a 24 foot wide house.

Jan Grey, 5170 Meadville Street, said that they would not be impacted or benefit from the requests. She said that the house is an old house with a sense of a home there that goes into the neighborhood. She said that it is important to preserve some of that in the neighborhood. She said that the size of the house in the lot does not fit within the neighborhood.

Lucking closed the public hearing.

Conrad said that moving the house towards the driveway might reduce the volume. Hendel said that it would not be much. Conrad said that most people will build to the 50 foot setback, and pointed out that, due to the angle of the lake, a new house on the Fronius lot could be in front of the Krezowski property.

Fronius said that a new house would be foolish not to build over the existing footprint since the current footprint has narrow side setbacks.

Steingas said that he was less concerned about any lake yard setback than he was with the side yard setback. He said that he would like to see a design that complies with volume, hardcover, and the side yard setback on the Fronius side.

Krezowski said that he compromised on the lake yard setback to help work with the neighbors. He said that they designed the house from the first floor up to fit within the massing ordinance but they didn't count on the garage elevation changing the calculation. He said that they want the covered porches since they will add to the character of the house and the neighborhood. He said that he was not sure that porches should be considered 100% volume since you can see through them. Krezowski said that they are very close on hardcover and originally thought they had made the 30% number. He said that 17 neighbors have written letters in support.

Lucking said that covered porches are considered volume since many of them are inevitably enclosed. Krezowski asked about a deed restriction. Lucking said that those are often overlooked or worked around.

Ted Hanna, 4960 Meadville said that he thought it might be easier to get a variance for a garage than the additional tuck under volume.

Chris O'Leary at 5030 Meadville said that the massing with the tuck under is challenging. He said that the Krezowskis have worked hard, and he is supportive of the extra massing due to the circumstances.

Lucking said that he would want to see a volume reduction.

Conrad said the tuck under makes sense, but she said that the higher house creates the perception of a larger house. She asked about areas volume that could be reduced including the front porch.

**GREENWOOD PLANNING COMMISSION  
WEDNESDAY, APRIL 16, 2019  
7:00 P.M.**

Lucking said that the lowest point above grade is 2.4 feet and most houses have a foundation 1 foot above grade. Steingas agreed and said that he understands the house cannot go any lower based on the proposed basement ceiling height.

Steingas says his biggest issue is the height and setbacks and it makes it appear that it is being built right to the property line.

Conrad asked if going to a two car garage might help. Krezowski said it would not help much.

Motion by Steingas to recommend denial of the variance request based on the findings that the massing and side yard wall height are not reasonable given the narrow side yard setback for the property, and to recommend denial of the CUP request since there is not an approved house plan for the property. Lucking said that he is comfortable with the setback along Meadville and the hardcover. Steingas agreed. Motion was seconded by Lucking. Motion carried 3-0.

Lucking said that the applicant can go to the city council and they may have a different opinion. Cooney said he recommended at least hearing the city council comments before making revisions.

Conrad asked about incorporating changes prior to the city council meeting. Cooney said that changes should be in the council packet which does not leave much time. He said that having changes after the packet is delivered can lead to confusion.

**4. NEW BUSINESS**

**5. LIAISON REPORT**

Conrad presented the liaison report. She said that there was discussion about legislation that might impact the LMCD's power and make issues that are beyond the high water line issues that only the local cities deal with. She said this mainly impacted boat storage.

Conrad said that the 5290 Meadville garage passed. She said that the 21800 Byron Circle grading CUP and variance passed. She said that the revised tree ordinance passed.

**6. ADJOURN**

Motion by Conrad to adjourn the meeting. Lucking seconded the motion. Motion carried 3-0. The meeting was adjourned at 8:35 p.m.

Respectively Submitted,  
Dale Cooney - Zoning Administrator