GREENWOOD PLANNING COMMISSION
WEDNESDAY, JANUARY 8, 2020
7:00 P.M.

1. CALL TO ORDER/ROLL CALL

Chairman Lucking called the meeting to order at 7:00 p.m.

Members Present: Chairman Pat Lucking, Commissioners Dean Barta, Julie Getchell, Kelsey Nelson, and David Steingas

Others Present: Zoning Administrator Dale Cooney and Council Liaison Kristi Conrad (left the meeting at 7:52)

Absent: None

2. MINUTES – Regular meeting of December 12, 2019.

Motion by Steingas to approve the minutes as written. Motion was seconded by Getchell. Motion carried 5-0.

3. PUBLIC HEARINGS

3a. Consider the conditional use permit and variance requests of Precision Builders, LLC for 21750 Byron Circle for a variance to build an accessory structure and patio within the lake yard setback, to construct a structure within a bluff impact zone, and a conditional use permit to install retaining walls within the lake yard setback and to regrade the lake yard areas of the property. — Per Section 1140.10 Subd. 2(B) of the zoning code, primary accessory structures are required to have a 50 foot lake yard setback. Per Section 1140.10 Subd. 2(3) of the zoning code, patios 30 inches tall or less are required to have a 35 foot lake yard setback. Section 1176.04 of the zoning code regulates the placement of structures within the Shoreland Management District, the bluff, and the bluff impact zone. 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. Section 1176.04, Subd. 7 of the zoning code states that retaining walls shall not be placed within the shore setback zone without a conditional use permit.

Lucking introduced the agenda item and opened the public hearing.

Mike Peterson of Precision Builders LLC, applicant and contractor for the property owners, said that the applicants bought the property 18 months ago and need to do significant repairs to the existing timber landscaping walls. He said that repairs are required to fix and improve retaining walls. He said that he needs to make the property useful for the family and that they are trying to take a comprehensive view of the property. Peterson said that the property to the north is low and that the property to the south is high. He said that the storage shed proposal is hidden and will be unobtrusive.

Barta asked what the structure for the shed would be constructed of. Peterson said it is a reinforced shipping container. Peterson said that they need the shipping container to fit larger lakeshore items that don't fit into the existing shed.

Getchell asked if the existing shed would stay or go. Peterson said that they would like to keep it, but they could remove it if necessary.

Peterson said that they would like to have a level patio area to help enjoy the lake yard. He said that incorporating these elements without a variance would be more impactful to the landscaping. He said that the new plan brings the retaining walls back a long way from the lake yard.

Barta asked how much dirt would need to be moved. Peterson said that significant grading would be required no matter what they do.

Peterson said that their engineer said that the top of the bluff is actually on the neighbor's property and there should not be any additional bluff impact zone on the top of the bluff. He said that the height of the hillside is not tall enough to be considered a bluff. He said that the deterioration of the existing retaining walls is something that needs to be addressed.

Peterson said that the entrance to the storage structure will be a nice doorway and that the hidden nature of the structure makes it less obtrusive than an above-grade structure. He said that a retaining wall is needed in this area anyways and this structure would take the place of the retaining wall. He said that the patio area does not have an adverse impact, and they need to define a space for lakeside enjoyment. Peterson said that the only way to get from the street to the lake is along the south side of the property line.

Lucking said that pervious pavers are not allowed for the patio area. Conrad said that it was more about pulling this type of use back from the lake, regardless of the material.

Barta asked about the flat lawn area and the retaining walls needed to support that area. Peterson said that there would be retaining walls on the uphill and downhill sides and that the lower wall would taper into the existing grade. Barta asked how this would impact those neighbors. Peterson said that the walls are 80% behind the neighbor's patio. Barta asked about tree removal in this area. Peterson said that a couple of trees might need to be removed, but most will stay because they don't have to grade in the treed area.

Conrad asked if the exiting area needs to be changed, why would you not concentrate the changes in that area instead of moving the work elsewhere in the lake yard. Peterson said that the degradation of the lot is comprehensive. Conrad said that she doesn't see how the proposal addresses the current repairs and that she sees this as a desire for a patio and a grassy flat yard.

Peterson said that the lakeside landscaping is a disaster.

Barta asked about the north side lawn area and if the drainage would change. Peterson said it would be managed to drain towards the lake.

Peterson said that it would not be appropriate to approach this property as a partial solution. Conrad said that she sees a want for several amenities. She said that the lake yard area is flat and the applicants want even more flat space. Peterson said that the lake yard is not flat. Steingas said it is a 10% slope, which is not that steep.

Conrad said that the city recently denied a similar patio request.

Barta said that the proposal does bring elements closer to the house, but also going much higher into the slope.

Conrad asked about the bluff area. Cooney said that he did ask for a bluff exhibit, but that was only recently. He said that the shaded area Peterson shows is a good start. He said that the bluff question is less about where the exact line is, but rather is what they are proposing for that area reasonable.

Peterson said that no matter what they do, the timber areas needs to be addressed. He said that they thought they were making an improvement to get back away from the lake.

Barta said that if this was a new lot, the setback to build the decks would be 50 feet or 35 feet depending on the height. He said that it is worth noting that many of the improvements are

coming back from the lake. Barta said that accessing the property is only viable via the south property line and that there will be necessary grading impacts there because of construction.

Lucking said that people use barges on the lake as construction access all of the time.

Getchell said that she has a problem with the storage shed in the lake yard setback. Peterson said that there would be significant grading impact to move it back, but would consider that if it were a more viable option.

Steingas said that anything within the 50 setback would be problematic. He said he is also not supportive of that much retaining wall within the setback for any part of the proposal. He said that he would prefer replacement of existing elements.

Lucking said that he would prefer to see replacement. He said that it could look very nice with upgraded materials.

Peterson asked about the existing retaining walls. Lucking said that they could be replaced and with higher-quality materials if he wants.

Barta said that this isn't a hardship question. He said that there are things that need to happen to repair the property. He said he would like to see something that is more within the setback and this feels extensive. Barta said that he does understand some of the design decisions.

Getchell said that she would like to see something that works to repair or upgrade the existing impacted areas.

Steingas said that he supports the staff recommendation. He said that the whole front yard is paved, and that he does not want to see more impervious area.

Nelson said that she likes the design but that would like to see items out of the setback.

Lucking said that he would recommend that the project focus on replacement of the existing nonconforming areas.

Peterson said that there are existing retaining walls in the setback and that should be given some consideration.

Steingas said that everyone is allowed to have stairs to the lake. He said that the proposed plan takes retaining walls from property line to property line whereas before it was constrained to only the area around the steps.

Getchell asked about the bluff area. Cooney said there needs to be a determination by the city engineer for the extent of the bluff.

Lucking said that if the variance is denied, it will be a year delay before the project can come back for a variance request.

Cooney said that he does feel that it would be valuable to hear council input on the project.

Motion by Getchell to deny the variance requests as proposed based on the findings of staff. Motion was seconded by Lucking. Motion carried 5-0.

Motion by Steingas to deny the CUP request as proposed based on the findings of staff. Motion was seconded by Barta. Motion carried 5-0.

4. NEW BUSINESS

5. LIAISON REPORT

Lucking presented the liaison report. He said that the retaining wall at 21450 Excelsior Boulevard was approved. He said that the preliminary plat for 21915 Fairview was also approved.

Lucking said that he city council discussed the viability of the planning commission. He said that Cook recommended that the issue not be heard again until there are two meetings that are unable to convene for lack of a quorum.

Barta apologized for missing so many meetings. He said that his work in sales often pulls him away at the last minute.

6. ADJOURN

Motion by Steingas to adjourn the meeting. Getchell seconded the motion. Motion carried 5-0. The meeting was adjourned at 8:16 p.m.

Respectively Submitted,
Dale Cooney - Zoning Administrator