

AGENDA

Greenwood City Council Meeting

Wednesday, February 5, 2020

20225 Cottagewood Road, Deephaven, MN 55331



*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). Agenda times are approximate.
Hearing devices are available from the recording technician.*

- 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: 01-02-20 City Council Meeting Minutes
 - B. Approve: Dec Cash Summary Report
 - C. Approve: Dec Certificates of Deposit Report
 - D. Approve: Jan Verifieds, Check Register, Electronic Fund Transfers
 - E. Approve: Feb Payroll Register
 - F. Approve: Res 05-20 Presidential Nomination Primary, State Primary, General Election Judges, and Absentee Ballot Board
 - G. Approve: Res 06-20 Revision to November 2020 Planning Commission Date
- 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. Announcement: Pre-Board Meeting with Assessors, Wed 03-04-20 6pm (preceding council meeting)
 - B. Announcement: City Council / Planning Commission Joint Worksession, Wed 03-11-20, 8ish (immediately following planning commission meeting), Old Log Theatre's Cast & Cru Restaurant
- NONE 5. PUBLIC HEARINGS
- NONE 6. ACTION RELATED TO PUBLIC HEARINGS
- 7:11pm 7. PLANNING, ZONING & SUBDIVISION ITEMS
 - A. Consider: Res 09-20, Findings for Final Plat "Benning Addition" Subdivision, James and Jessica Benning, 21915 Fairview Street
 - B. Consider: Res 07-20, Conditional Use Permit Findings (retaining walls) and Res 08-20 Variance Findings (accessory structure), Precision Builders, LLC for 21750 Byron Circle
- NONE 8. UNFINISHED BUSINESS
- NONE 9. NEW BUSINESS
- NONE 10. OTHER BUSINESS
- 7:30pm 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
- 7:50pm 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.

Council Action: Required. Possible motion ...

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

GREENWOOD CERTIFICATES OF DEPOSIT

Report Date 12/31/19

Acct #	Bank	Date	Term	Maturity	Rate	Amount
x237	Bridgewater Bank	11/08/18	18 Month	05/08/20	2.48%	\$ 134,088.36
x238	Bridgewater Bank	03/08/19	18 Month	09/08/20	2.82%	\$ 134,127.37
x239	Bridgewater Bank	05/08/18	18 Month	11/08/20	2.48%	\$ 133,935.70
x240	Bridgewater Bank	05/08/18	18 Month	03/08/21	2.23%	\$ 133,549.15
x241	Bridgewater Bank	11/08/19	18 Month	05/08/21	1.59%	\$ 134,120.50
x242	Bridgewater Bank	05/08/18	22 Month	03/08/20	2.08%	\$ 134,120.50
TOTAL						\$ 803,941.58

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.

MINUTES

Greenwood City Council Meeting

Thursday, January 2, 2020

20225 Cottagewood Road, Deephaven, MN 55331



1. CALL TO ORDER | ROLL CALL | APPROVE AGENDA

Mayor Kind called the meeting to order at 7:03pm.

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

Staff Members Present: City Zoning Administrator Dale Cooney

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

2. CONSENT AGENDA

A. Approve: 12-04-19 City Council Meeting Minutes

B. Approve: 12-16-19 City Council Special Meeting Minutes

C. Approve: Nov Cash Summary Report

D. Approve: Nov Certificates of Deposit Report

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

F. Approve: Jan Payroll Register

G. Approve: Res 01-20, Setting Dates for 2020

H. Approve: Res 02-20, Appointments & Assignments

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

3. MATTERS FROM THE FLOOR

No one spoke during matters from the floor.

4. PRESENTATIONS, REPORTS, GUESTS, AND ANNOUNCEMENTS

A. Announcement: Greenwood Night at the Old Log, 7:30pm, Friday 01-17-19

View announcement at LMCC-TV.org.

5. PUBLIC HEARINGS

A. None

6. ACTION RELATED TO PUBLIC HEARINGS

A. None

7. PLANNING, ZONING & SUBDIVISION ITEMS

A. Consider: Res 03-20 Findings, Retaining Wall Conditional Use Permit Request, Garden Expressions, 21450 Excelsior Boulevard

Motion by Cook that the city council (1) adopts resolution 03-20 laying out the findings of fact APPROVING the conditional use permit request of Garden Expressions, 21450 Excelsior Boulevard with revisions as discussed; (2) directs city staff to mail a copy of the findings to the applicant and the DNR; and (3) directs staff to place an Affidavit of Mailing for each of the mailings in the property file. Second by Roy. Motion passed 3-2 with Fletcher and Conrad voting nay.

B. Consider: Res 04-20 Findings, Preliminary Plat Application (subdivision), James & Jessica Benning, 21915 Fairview Street

Motion by Fletcher that the city council adopts resolution 04-20 laying out the findings of fact APPROVING WITH CONDITIONS the preliminary plat subdivision request of James and Jessica Benning for the property at 21915 Fairview Street with revisions as discussed; (2) directs city staff to mail a copy of the findings to the applicant and the DNR; and (3) directs staff to place an Affidavit of Mailing for each of the mailings in the property file. Second by Roy. Motion passed 5-0.

C. Discuss: Potential Ordinance re: Definitions and Lake Setbacks for Accessory Structures

Maureen Burns, 5080 Meadville Street stated that she is concerned about the long list of items in the proposed ordinance and did not want the rules changed. *Council response: The items on the list are the current code. The changes highlighted are more restrictive than the current code.*

Motion by Roy that the city council directs that the planning commission hold a public hearing regarding the proposed ordinance amending the code regarding lake setbacks for accessory structures as written. Second by Cook. Motion passed 5-0.

D. Discuss: Viability of Planning Commission

Bob Neuman, 5230 Meadville Street stated that his belief that planning commission apathy and lack of attendance are a direct connection to the council's arrogance and disregard for planning commission recommendations.

Pat Lucking, 5180 Greenwood Circle (current chair of the planning commission) stated he believes that there just is a general lack of people willing to serve. He stated that he was thankful to the city council for their willingness to serve.

Mike Kroening, 5260 Meadville Street asked if the reason for the council discussion was (1) lack of participation or (2) the city council does not think the planning commission is doing a good job. *Council response: Lack of participation.* Kroening stated that once he moves to Greenwood, he might be interested in serving on the planning commission.

The consensus of the city council was for the planning commission to continue for the foreseeable future with the hope that having this discussion on the agenda will raise awareness and that residents will step up and volunteer to serve.

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.*

B. Cook: Lake Minnetonka Conservation District, Public Works Committee, St. Alban's Lake Improvement District

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

C. Fletcher: LMCC, Fire, Administrative Committee, Metro Cities, League of MN Cities

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

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

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

E. Roy: Minnetonka Community Education

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

12. ADJOURNMENT

Motion by Roy to adjourn the meeting at 8:16pm. Second by Cook. Motion passed 5-0.

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

RESOLUTION NO 05-20

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA

A RESOLUTION APPOINTING THE 2020 PRESIDENTIAL NOMINATION PRIMARY, STATE PRIMARY, AND GENERAL ELECTION JUDGES AND ESTABLISHING HENNEPIN COUNTY AS THE ABSENTEE BALLOT BOARD

WHEREAS, Minnesota Election Laws 204B.21 requires the certification of Election Judges for the Presidential Nomination Primary, State Primary Election, and General Election to be appointed by the governing body of the municipality at least 25 days before the election.

WHEREAS, the City of Greenwood has one voting precinct and the City Hall will serve as the absentee ballot center for the residents of Greenwood; and

WHEREAS, Minn. Statute Section 203B.121 stated that an Absentee Ballot Board must be established by the City to facilitate the absentee process for an upcoming election;

NOW, THEREFORE BE IT RESOLVED that the Greenwood City Council hereby appoints the individuals named below to officiate at the Presidential Nomination Primary, State Primary Election, and General Election:

Susan Allen	Cynthia Paeper
Marybeth Darusmont	Diane Shelgren
Janice Gray	Judith Spiegel
Bonnie Lane	Susan Teeter
Mary Jo Newman	Henry Wudlick

BE IT FURTHER RESOLVED the City Clerk is, with this, authorized to make substitutions and additions to the Election Judge Roster, as deemed necessary, in order to fill vacancies and meet party splits;

BE IT FURTHER RESOLVED Minn. Statute Section 204B.31 states payment of a wage for each hour spent performing election duties at the polling place and in attending sessions required for election judge training, plus mileage in the same amount as allowed pursuant to section 471.665, subd. 1 to conduct the 2020 Primary & General Election: Election Judges: \$9.00 per hour; Head Judges: \$11.00 per hour; Mileage: Set by City Council Resolution; and

BE IT FURTHER RESOLVED the Greenwood City Council also appoints City Election Officials and approves all members appointed to the Hennepin County Absentee Ballot Board as authorized under Minn. Stat. 204B.21, Subd. 2, under the direction of the Election Manager to serve as the Greenwood Absentee Ballot Board as required by Minn. Stat. 203B.121.

PASSED this 5th day of February, 2020 by the city council of the city of Greenwood, Minnesota.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana H. Young, City Clerk

Resolution 06-20

City of Greenwood Dates for 2020

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

Application Deadline	Sun Sailor Publish Date	Planning Commission Public Hearing	Council Packet Submission Deadline	Council Packet Posted Online	City Council Meeting
Wed (4 weeks before PC meeting)	Thu (13 days before PC meeting)	7pm, 2nd Wednesday	Fri (12 days before CC meeting)	Sun (10 days before CC meeting)	7pm, 1st Wednesday
			December 21, 2019	December 23, 2019	January 2, 2020 Thu
December 12, 2019	December 27, 2019	January 9, 2020	January 24, 2020	January 26, 2020	February 5, 2020
January 15, 2020	January 30, 2020	February 12, 2020	February 21, 2020	February 23, 2020	March 4, 2020
February 12, 2020	February 27, 2020	March 11, 2020	March 20, 2020	March 22, 2020	April 1, 2020
March 11, 2020	March 26, 2020	April 8, 2020	April 24, 2020	April 26, 2020	May 6, 2020
April 15, 2020	April 30, 2020	May 13, 2020	May 22, 2020	May 24, 2020	June 3, 2020
May 13, 2020	May 28, 2020	June 10, 2020	June 22, 2018	June 21, 2020	July 7, 2020 Tue
June 10, 2020	June 25, 2020	July 8, 2020	July 24, 2020	July 26, 2020	August 5, 2020
July 15, 2020	July 30, 2020	August 12, 2020	August 21, 2020	August 23, 2020	September 2, 2020
August 12, 2020	August 27, 2020	September 9, 2020	September 25, 2020	September 27, 2020	October 7, 2020
September 16, 2020	October 1, 2020	October 14, 2020	October 23, 2020	October 25, 2020	November 4, 2020
October 21, 2020	November 5, 2020	November 18, 2020	November 20, 2020	November 22, 2020	December 2, 2020
November 11, 2020	November 26, 2020	December 9, 2020	December 23, 2020	December 27, 2020	January 6, 2021
December 9, 2020	December 24, 2020	January 6, 2021	January 22, 2021	January 24, 2021	February 3, 2021

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

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

	Date	Time	Notes
City Council / Planning Comm Joint Worksession	March 11, 2020	8pm	2nd Wed in Mar
Pre-Board Worksession with Assessors	March 4, 2020	6pm	Before March council meeting
Local Board of Appeal & Equalization Meeting	April 16, 2020	6pm	3rd Thursday in April
Subsequent LBAE Meeting	April 23, 2020	6pm	4th Thursday in April
Spring Clean-Up Day	May 16, 2020	8am	3rd Saturday in May
Worksession: Budget & Fees	August 5, 2020	6pm	Before August council meeting
Worksession: Budget & Fees	September 2, 2020	6pm	Before September council meeting
Fall Sales Ratio Meeting with Assessors	November 5, 2020	4pm	Last Thu in Oct or 1st Thu in Nov
Budget Public Comment Opportunity	December 2, 2020	7pm	During December council meeting

ADOPTED by the city council of the city of Greenwood, Minnesota, this 2nd day of January 2020.

There were 5 AYES and 0 NAYS.

CITY OF GREENWOOD

By:
Debra J. Kind, Mayor

Attest:
Dana H. Young, City Clerk



Agenda Number: **7A**

Agenda Date: **02-05-20**

Prepared by Dale Cooney

Agenda Item: Consider: Res 09-20, Findings for final plat subdivision request, James and Jessica Benning, property owners, at 21915 Fairview Street for the plat named "Benning Addition."

Summary: Copies of the application materials and staff report are attached reference. The city council reviewed the Preliminary Plat application at their 01-03-2020 meeting and recommended approval with conditions of the request. No public hearing is required for Final Plat, and the planning commission does not review the Final Plat application.

Key Dates:

Application complete:	January 23, 2020
City Council Consideration:	February 5, 2020
60 Day Deadline:	March 23, 2020

City Council Action: Final action required by March 22, 2020. Potential motions...

1. I move the city council adopts resolution 09-20 laying out the findings of fact **APPROVING** the final plat subdivision request James and Jessica Benning for the plat named "Benning Addition", as presented. I further move that the council directs the city clerk to mail a copy of the findings to the applicant and the DNR, and place an Affidavit of Mailing for each of the mailings in the property file.
2. I move the city council directs staff to draft **FINDINGS FOR DENIAL** the final plat subdivision request James and Jessica Benning for the plat named "Benning Addition", to be considered at the March 4, 2020 city council meeting based on the following findings: _____.
3. Other motion ...



Agenda Item: Consider: Res 09-20, Findings for final plat subdivision request, James and Jessica Benning, property owners, at 21915 Fairview Street for the plat named “Benning Addition.”

Summary: James and Jessica Benning are proposing to subdivide their property at 21915 Fairview Street into two lots. Subdivisions are regulated by Chapter 6 of the city code, and the proposal is required to go through the platting process. The submitted final plat conforms to the proposed lot dimensions submitted at preliminary plat.

Zoning Compliance:

The proposed lot line reconfiguration is within the R-1 zoning district. The applicant has submitted a survey with existing conditions and the proposed lot reconfiguration as well as a site plan with hypothetical conditions for the new lot to show that it is a viable lot. Below is zoning information based on existing conditions for the current lot and the proposed lots.

	Existing Lot Area (sf)	Proposed Lot Area (sf)	Lot Width (ft)	Lot Depth (ft)	Proposed Impervious Surface Area	Proposed Front Setback (ft)	Proposed Side Setbacks (ft)	Proposed Rear Setback (ft)
Required	--	15,000	75 (street frontage)	150	30%	30	15	35
21915 Fairview St.	34,822	--	203	209	11.76%	31.4	15.5(NE) / 9.2 (SW)	85
Lot 1	--	19,578	108	193	<30%	>30	15 (NE) / 15 (SW)	85
Lot 2	--	15,306	95	231	<30%	31.4	40 (NE) / 9.2 (SW)	96

Lot Size and Shape:

Per the subdivision code: *“At least 2 sides of all lots shall each be at least 100 feet in length. Lots shall meet the minimum lot width requirements of the applicable zoning district.”* As proposed, the properties meet this requirement.

Access:

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

Impervious Area: As proposed, both properties meet the required 30% impervious surface area limitation. Since a portion of both properties’ stormwater drainage is via adjacent properties or the street, any hardcover expansion of greater than 200 square feet that does not drain to the adjacent wetland must meet the stormwater management requirements of Section 1140.17.

Nonconformities: The proposed lot configuration would not create or exacerbate any setback nonconformities. However, it would leave the house on Lot 2 without a required garage. This may be irrelevant if the house is to be demolished. However, if it is to remain as an occupied dwelling, it would be required to conform to this requirement.

The garage on Lot 1 encroaches into the side yard setbacks and its removal was a condition of Preliminary Plat approval. The applicant has indicated that the garage is scheduled to be removed on February 3.

Trees and Grading: Applicants have applied for a conditional use permit for grading and a variance request for tree removal in order to construct a new house on Lot 1.

Drainage and Utility Easements: Existing perimeter drainage and utility easements would remain in place on the current property, with additional easements dedicated along the proposed property boundaries.

Park Dedication:

Park dedication land or fees are typically required during the subdivision process when additional lots are created that would generate additional demands on the city’s park system.

Per Section 600.35, Subd. 3 the council may require 8% of each proposed subdivision to be dedicated for public use as parks, playgrounds, trails, or open space, but not including land necessary and dedicated for stormwater holding areas or ponds. Such dedicated land must be suitable for parks or playgrounds and shall conform to the city plan for parks and playgrounds. As an alternative, the council may require that the subdivider contribute a cash amount equal to 8% of the assessor's land valuation for the entire parcel prior to subdivision on January 2 of the year of the final plat application. Cash payments will be placed in a special park fund and will be used only for the acquisition and development or improvement of parks, playgrounds, trails, wetlands, or open space.

The City of Greenwood has no plans for adding new recreation, park, trail, or open space amenities, and therefore staff would recommend a fee-in-lieu of park dedication. The city assessor estimated the land value of the entire property to be \$407,000. An 8% park dedication fee based on this land valuation would amount to \$32,560. A condition of preliminary plat approval was that the applicant pay the required park dedication fee at the time of Final Plat application. The applicant has submitted a check for park dedication fees in the required amount.

Evidence of Title:

Per code, an up-to-date certified abstract of title, registered property report or such other evidence as the city attorney may require showing title or control of the property. The applicant has submitted title information and, as of this writing, staff is awaiting confirmation from the City Attorney that the documentation is sufficient.

Review Process for Final Plat:

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

If the Final Plat is approved by the council, the applicant shall record it with the county registrar of deeds or registrar of titles within 6 months after the date of approval; otherwise the approval shall be considered void. The applicant shall, immediately upon recording, furnish the clerk with 2 prints of the final plat showing evidence of the recording.

Conditions of Preliminary Plat:

- 1) If the house on proposed Lot 1 remains, a garage shall at all times be maintained on the property.
- 2) The portion of the existing garage that encroaches into the side setback shall be removed prior to the submission of a proposed Final Plat: to be removed on February 3.
- 3) Applicant shall construct and maintain stormwater drainage swales or drainage ways as recommended by the City Engineer and the Final Plat shall dedicate drainage and utility easements as directed by the City Engineer: grading and drainage improvement to be discussed via the CUP application for Lot 1.
- 4) Applicant shall submit application for Final Plat and a title commitment or other title evidence acceptable to the City Attorney within 6 months of Preliminary Plat approval: information submitted and staff is awaiting confirmation from the city engineer that the documents are sufficient.
- 5) Applicant pay the required park dedication fee at the time of Final Plat application: fee has been paid.
- 6) The Final Plat of the subdivision shall be recorded with the county registrar of deeds or registrar of titles within 6 months of city approval.

Staff Recommendation: Staff recommends approval of the final plat for the plat named "Benning Addition". The applicants have met the final plat submission requirements per city code Section 600.15, the final plat conforms to the preliminary plat, and meets the design standards and engineering specifications set forth in the ordinance.

Remit payment to:

Watermark Title Agency, LLC
Attn: Accounts Receivable
11100 Wayzata Blvd Ste 150
Minnetonka, MN 55305

INVOICE

Bill to:

Invoice Date: January 14, 2020
Our File Number: 59847
Loan Number:

Property:

21915 Fairview St, Greenwood, MN 55331

DESCRIPTION	AMOUNT
Lender's Policy Premium	\$0.00
Lender's Policy Endorsement Premium	\$0.00
Owner's Policy Premium	\$0.00
Owner's Policy Endorsement Premium	\$0.00
Settlement Fee	\$0.00
Title Search and Exam Fee	\$125.00
<hr/>	
Total Amount Due	\$125.00

OWNERS AND ENCUMBRANCES REPORT

File No. 59847

For the exclusive use of: James D. Benning and Jessica L. Benning

Effective Date of this Report: 01/02/2020

On real estate described as:

Parcel 1:

Lots 85 and 86, Meadeville Park, Hennepin County, Minnesota;

All of Lots 147 and 148, Auditor's Subdivision No. 141, Hennepin County, Minnesota, except that part of Lot 147 of said Subdivision formerly included in Lot 67, Meadeville Park.

Parcel 2:

That part of the following described land:

Lot 87, Meadeville Park, Hennepin County, Minnesota,
All that portion of the Street as laid out and dedicated in the plat of Meadeville Park, lying between the Westerly lines of Lots 85, 86 and 87, Meadeville Park and of Lot 144, Auditor's Subdivision No. 141 and the Easterly line of Lot 148, Auditor's Subdivision No. 141 and between the Southerly line of the Street as opened by the Town Board and the extension of the Northerly line of Lot 63, Meadeville Park to the Northwest corner of Lot 84, said Meadeville Park,

Which lies Southwesterly of a line 15 feet Southwesterly of, measured at a right angle to and parallel with, the Northeasterly line of said Lot 87 and its extensions.

Parcel 3:

That portion of Street shown on the plat of Meadeville Park as lying between Lots 102 and 103 of said plat, being the portion lying Westerly of the circular road extended to the intersection of the Northerly line of said Lot 103 as shown on the Plat of Auditor's Subdivision No. 141, Hennepin County, Minnesota, and Easterly of a line drawn from the Southwest corner of Lot 152 of Auditor's Subdivision No. 141 to the Northwest corner of said Lot 103, Meadeville Park, except that portion of the North 1/2 of vacated Street as laid out and dedicated on the plat of Meadeville Park as lying between Lots 102 and 103 of said plat, being the portion lying Westerly of the circular road shown on the plat of Auditor's Subdivision No. 141 extended to the Northerly line of said Lot 103 and Easterly of a line drawn from the Southwest corner of Lot 152, Auditor's Subdivision No. 141 to the Northwest corner of said Lot 103, Meadeville Park.

Parcel 4:

That part of the Northwesterly one-half of the vacated street as laid out and dedicated in the plat of "Meadeville Park", between the Easterly lines of Lots 85, 86 and 87, said plat, and the Westerly line of Lot 109, said plat, which lies Northeasterly of the Southeasterly extension of the Southwesterly line of said Lot 85 and Southwesterly of a line 15 feet Southwesterly of, measured at a right angle to and parallel with, the Northeasterly line of said Lot 87 and its Southeasterly extension.

Torrens Property - Certificate of Title No. 1488150

To be replatted as Lots 1 and 2, Block 1, and Lot 1, Block 2, Benning Addition, Hennepin County, Minnesota.

The County Recorder or Registrar of Titles records indicate that:

A. The Grantees of the last conveyance is/are:

James D. Benning and Jessica L. Benning, as joint tenants

- B. The Land is encumbered by the following mortgages, contracts for deed, and/or other liens or encumbrances, including: mechanic's liens, tax liens, judgments, and bankruptcies:

1. Mortgage executed by James D. Benning and Jessica L. Benning, married to each other, to Bell Bank, dated 07/17/2019 and filed 07/18/2019, as Document No. 5628887, in the amount of \$487,500.00

- C. The county tax records indicate that total real estate taxes payable in the year 2019 are \$5,243.00, with a base tax amount of \$5,243.20, and are paid in full.

The Property Identification Number is: 26-117-23-31-0047

The homestead classification is: homestead

The real estate taxes due and payable in the year 2019 and prior years are paid in full.

The county tax records indicate that total real estate taxes payable in the year 2019 are \$14.94, with a base tax amount of \$14.94, and are paid in full.

The Property Identification Number is: 26-117-23-31-0005

The homestead classification is: non-homestead

The real estate taxes due and payable in the year 2019 and prior years are paid in full.

NOTE: 2020 taxes are not yet available.

This report is limited to only the information described above.

This report specifically does not include information relating to:

- a. Rights of dower, curtesy, homestead, or other marital rights of spouse, if any, of any individual shown.
- b. Any lien, or right to lien, for services, labor, or materials heretofore or hereafter furnished or imposed by law.
- c. Any encroachments, measurements, party walls, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey or inspection of the real estate.
- d. Easements, or claims of easements.
- e. Rights or claims of parties in possession not shown by the public records.
- f. Minerals and mineral rights.
- g. Covenants, conditions, and restrictions.
- h. Levied and/or pending special assessments.

This report is not, nor is to be construed as, an abstract of title, title opinion, or title insurance policy.

The total liability of Watermark Title Agency, LLC, by reason of losses and damages that may occur by reason of any errors and omissions in this report, is limited to the fee it received for the preparation and issuance of this report.

Watermark Title Agency, LLC



1/15



Generic Application Form

(this form is not a permit or license)

Person completing form: Property Owner Business Manager Builder Other:
If you prefer to complete this form electronically, it is available for downloading at www.greenwoodmn.com.

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

Date form completed	1-15-20
Applicant (first name, full middle name, last name)	James and Jessica Banning
Property address	21915 Fairview St.
Mailing address (if different than property address)	1131 Angelo Dr. Golden Valley MN 55422
Cell phone	Jessica 605-641-8325
Email address	jessbanning@hotmail.com
MN license number (if applicable)	

Type of permit / license desired: Final Plat

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

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

I certify information submitted on this form is true and correct to the best of my knowledge. I understand that giving false information on this application constitutes cause for the immediate revocation of any permit / license issued hereunder.

I am familiar with the provisions of the applicable Greenwood ordinance(s) for this application agree to operate in accordance with the code book of ordinances of the city of Greenwood (available for viewing at city hall and at www.greenwoodmn.com), and with the laws of the state of Minnesota.

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

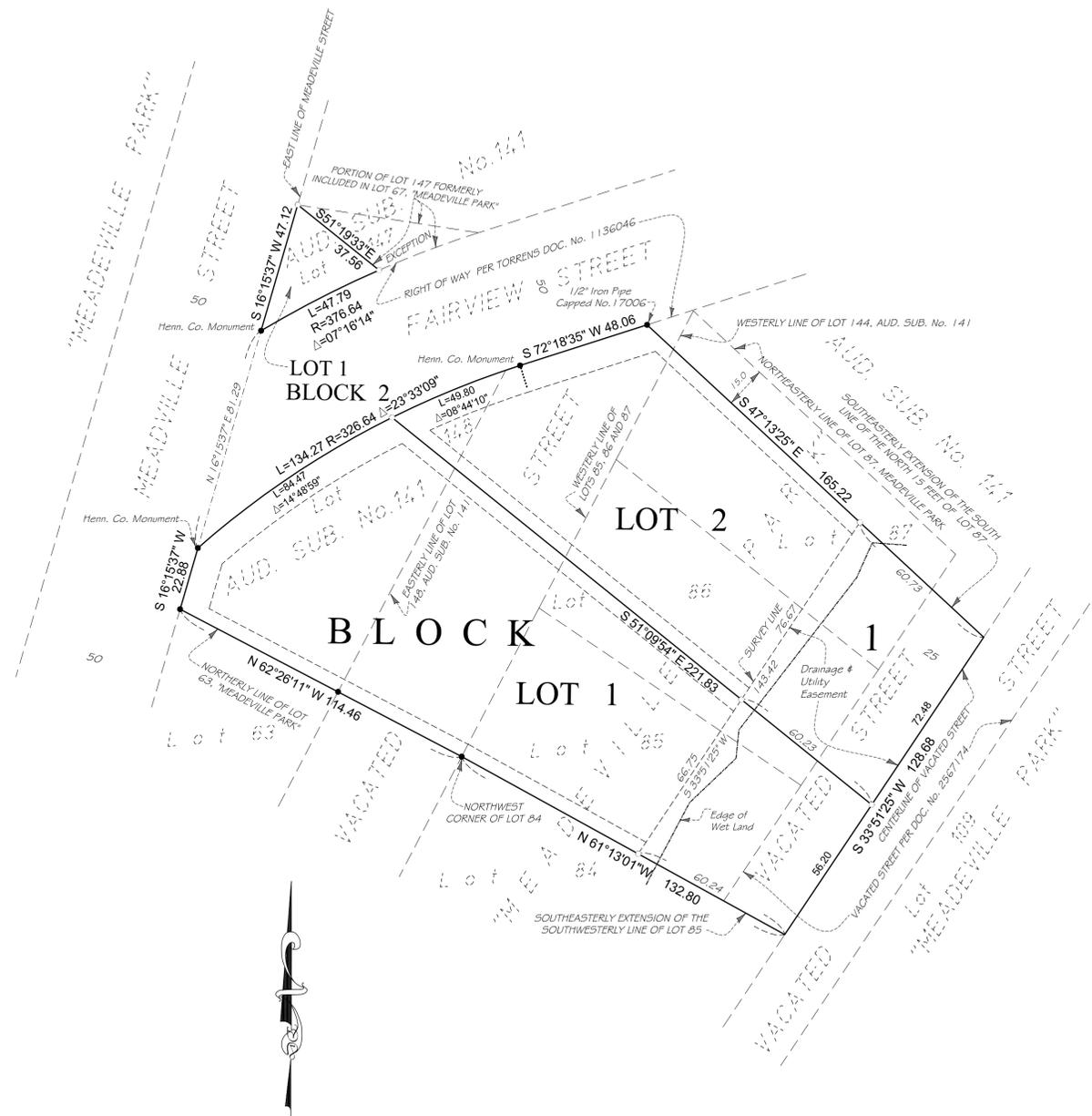
Signature of applicant  Date: 1-15-20

For Office Use Only	Approved By: 	Fee Paid: <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Check	Amount \$ 500	Approval Date: 1/15/20
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Form Updated 06.02.15

BENNING ADDITION

R. T. DOC. No. _____



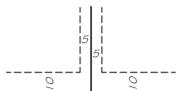
FOR THE PURPOSES OF THIS PLAT THE EAST LINE OF MEADVILLE STREET IS ASSUMED TO BEAR SOUTH 16° 15' 37\"/>



○ DENOTES 1/2 INCH BY 1/4 INCH IRON PIPE MONUMENT SET AND MARKED BY LICENSE NUMBER 24992, UNLESS OTHERWISE NOTED.

● DENOTES FOUND OPEN END 1/2 INCH IRON PIPE MONUMENT, UNLESS OTHERWISE NOTED.

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



BEING 10 FEET IN WIDTH AND ADJOINING RIGHT OF WAY LINES AND 5 FEET IN WIDTH AND ADJOINING INTERIOR LOT LINES.

KNOW ALL PERSONS BY THESE PRESENTS: That James D. Benning and Jessica L. Benning, husband and wife, owners of the following described property:

Parcel 1:

Lots 85 and 86, "Meadeville Park".

All of Lots 147 and 148, Auditor's Subdivision No. 141, Hennepin County, Minnesota, except that part of Lot 147 of said Subdivision formerly included in Lot 67, "Meadeville Park".

Parcel 2:

That part of the following described land:

Lot 87, "Meadeville Park"

All that portion of the Street as laid out and dedicated in the plat of "Meadeville Park", lying between the Westerly lines of Lots 85, 86 and 87, "Meadeville Park" and of Lot 144, Auditor's Subdivision No. 141 and the Easterly line of Lot 148, Auditor's Subdivision No. 141 and between the Southerly line of the street as opened by the Town Board and the extension of the Northerly line of Lot 63, "Meadeville Park" to the Northwest corner of Lot 84, said "Meadeville Park."

Which lies Southwesterly of a line 15 feet Southwesterly of, measured at right angle to and parallel with, the Northeasterly line of said Lot 87 and its extensions.

Together with that part of the northwesterly one-half of the vacated street as laid out and dedicated in the plat of "Meadeville Park", between the Easterly lines of Lots 85, 86 and 87, said plat, and the Westerly line of Lot 109, said plat, which lies northeasterly of the southeasterly extension of the southwesterly line of said Lot 85 and southwesterly of a line 15 feet Southwesterly of, measured at a right angle to and parallel with, the Northeasterly line of said Lot 87 and its southeasterly extension.

Have caused the same to be surveyed and platted as BENNING ADDITION and do hereby dedicate to the public for public use the easements for drainage and utility purposes created by this plat.

In witness whereof said James D. Benning and Jessica L. Benning, husband and wife, have hereunto set their hands this _____ day of _____, 20____.

By _____
James D. Benning

By _____
Jessica L. Benning

STATE OF MINNESOTA

COUNTY OF _____

This instrument was acknowledged before me this _____ day of _____, 20____, by James D. Benning and Jessica L. Benning.

(signature)

(printed name)

Notary Public, _____ County, Minnesota My Commission Expires _____

I Gregory R. Prasch do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this _____ day of _____, 20____.

Gregory R. Prasch, Land Surveyor
Minnesota License No. 24992

STATE OF MINNESOTA

COUNTY OF HENNEPIN

This instrument was acknowledged before me on this _____ day of _____, 20____ by Gregory R. Prasch.

Signature of Notary _____ (Notary's Printed Name)

Notary Public, _____ County, Minnesota My commission expires _____

City Council, City of Greenwood, Minnesota

This plat of BENNING ADDITION was approved and accepted by the City Council of the City of Greenwood, Minnesota, at a regular meeting thereof held this _____ day of _____, 20____, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subdivision 2.

GREENWOOD, MN

By _____
Mayor

By _____
Clerk

RESIDENT AND REAL ESTATE SERVICES, Hennepin County, Minnesota

I hereby certify that the taxes payable in _____ and prior years have been paid for land described on this plat, dated this _____ day of _____, 20____.

Mark V. Chapin, County Auditor

By _____ Deputy

SURVEY DIVISION, Hennepin County, Minnesota

Pursuant to Minnesota Statutes, Sec. 383B.565 (1969) this plat has been approved this _____ day of _____, 20____.

Chris F. Mavis, County Surveyor

By _____

REGISTRAR OF TITLES, Hennepin County, Minnesota

I hereby certify that the within plat of BENNING ADDITION was filed in this office this _____ day of _____, 20____, at _____ o'clock _____ M.

Martin McCormick, Registrar of Titles

By _____ Deputy

PRELIMINARY PLAT
BENNING ADDITION
 City of Greenwood Hennepin County, MN

Legal Description

Parcel 1:
 Lots 85 and 86, Meadville Park, Hennepin County, Minnesota;
 All of Lots 147 and 148, Auditor's Subdivision No. 141, Hennepin County, Minnesota, except that part of Lot 147 of said Subdivision formerly included in Lot 67, Meadville Park.

Parcel 2:
 That part of the following described land:
 Lot 87, Meadville Park, Hennepin County, Minnesota,
 All that portion of the Street as laid out and dedicated in the plat of Meadville Park, lying between the Westerly lines of Lots 85, 86 and 87, Meadville Park and of Lot 144, Auditor's Subdivision No. 141 and the Easterly line of Lot 148, Auditor's Subdivision No. 141 and between the Southerly line of the street as opened by the Town Board and the extension of the Northerly line of Lot 63, Meadville Park to the Northwest corner of Lot 84, said Meadville Park.
 Which lies Southwesterly of a line 15 feet Southwesterly of, measured at right angle to and parallel with, the Northeasterly line of said Lot 87 and its extensions.
 Together with that part of the Northwesterly Half of vacated Street per document number 2567174 which lies adjacent to said Lots 85, 86 and 87 and which lies northeasterly of the southeasterly extension of said Lot 85 and Southwesterly of the Southeasterly extension of a line drawn parallel to and 15 feet Southwesterly of the Northeasterly line of said Lot 87.
 SEE NOTE (N6) BELOW.

Notes and Personnel

- (N1) Property Address:
21915 Fairview Street, Greenwood, MN 55331
 - (N2) Property Identification Number 26-117-23-31-0047
 - (N3) Total Area of Parcels = 34884 sq.ft
 - (N4) Benchmark: Rim of sanitary manhole located at the intersection of Meadville Street and Fairview Street
Elevation = 932.61 feet
 - (N5) Property is in Flood Zone "X", an area of minimal flooding" per FEMA Map No. 27053C0316F, effective date of 11/4/2016
 - (N6) Title insurance commitment showing property description and any encumbrances of record per Title commitment from Old Republic National Title Insurance Co., File No. 59847.
Note: Description in said Title Commitment does not include the northerly half of vacated street per doc. no. 2567174 which should have been acquired by reason of vacation, the description shown hereon has included a portion of the vacated street. It is recommended that the Street vacation be added to the description of property on the Certificate of Title.
Also the Title commitment description includes additional property known as Parcel 3 which is substantially separated from the parcels shown hereon. This separated Parcel appears to be owned by others (not shown hereon) and should be deeded to the apparent owners to clear the title.
In consideration that the property is Torrens it is recommended the above items be resolved prior to County review of the final plat which likely would be rejected as it now stands.
 - (N7) Consent to plat letter must be signed by Mortgage Company if mortgage exists on property prior to recording of plat.
- | | | |
|---|---|--|
| CURRENT OWNER | DEVELOPER | SURVEYOR |
| James & Jessica Benning
21915 Fairview Street
Greenwood, MN 55331 | Kroiss Development
350 Highway 7, Suite 218
Excelsior, MN 55331
Attn: Todd Simming
phone: 612-590-8099
e-mail:
todd.simming@kroissdevelopment.com | Demarc
Surveying and Engineering
7601 73rd Avenue N.
Brooklyn Park, MN 55428
Attn: Greg Prasch
phone: 763-560-3093
fax: 763-560-3522
e-mail: gregprasch@demarcinc.com |

Zoning & Development Information

ZONING REQUIREMENTS:

Current & Proposed Zoning - R-1 Single Family Residential

Setback Requirements per Zoning Ordinance:

- Main Structure Only
- Front - 30 feet
- Interior Side - 15 feet
- Rear - 35 feet

Lot Requirements:

- Lot Area - 15000 sq.ft
- Lot Width - 75 feet
- Lot Depth - 150 feet
- Building Height - 28' in building height & 42' in structure height
- Maximum Impervious Surface Coverage = 30%

Refer to City Code for other requirements.

PROPOSED LOT AREAS:

Total number of Lots = 2

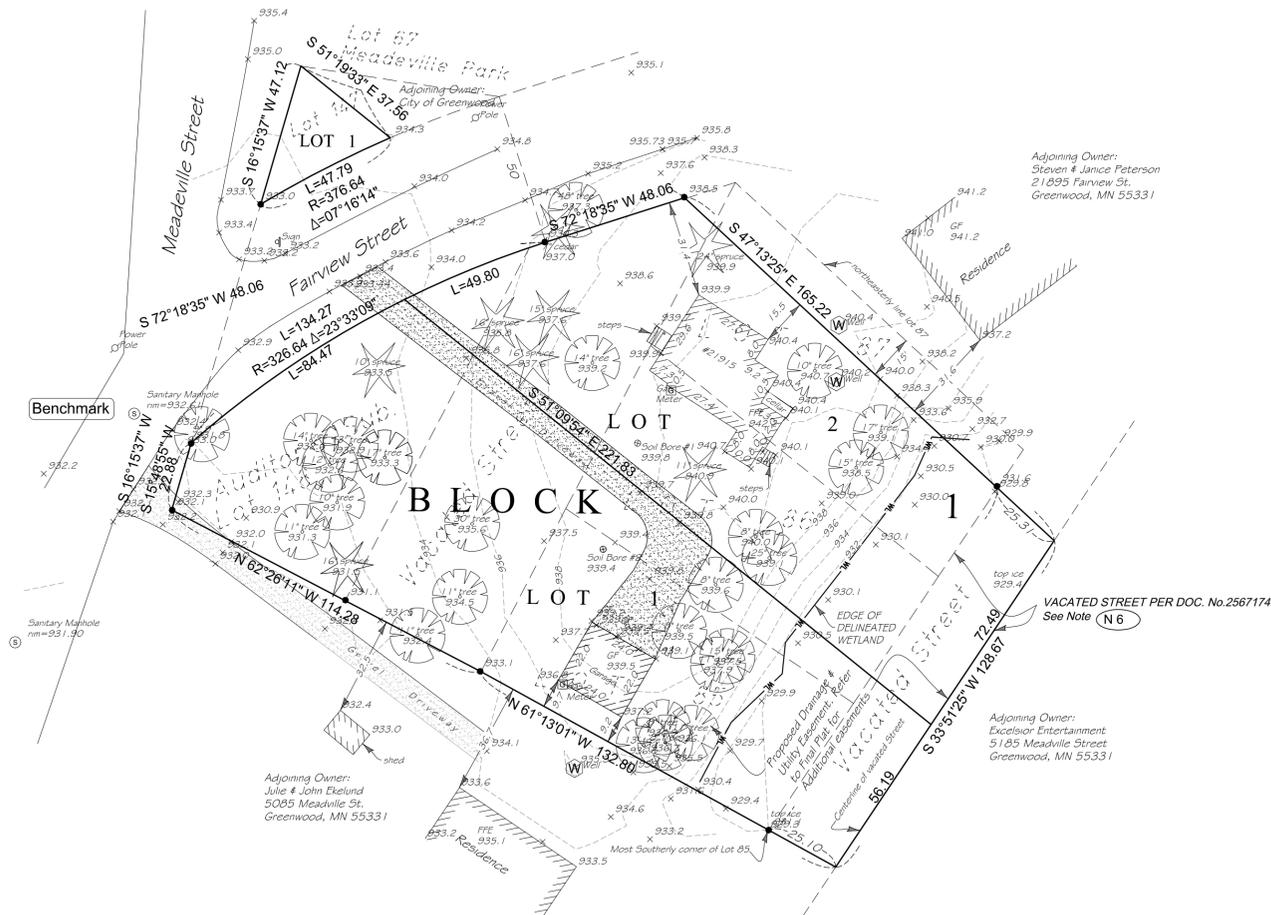
Block 1:

- Lot 1 = 19578 sq.ft
- Lot 2 = 15306 sq.ft

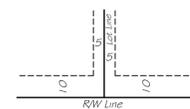
Right of Way Dedication = 0 sq.ft

Legend

- Denotes Found Iron Monument
- Denotes Iron Monument Set
- ⊗ Bollard
- ⊛ Light
- ⊙ Power Pole
- ⊕ Hydrant
- ⊖ Sanitary Manhole
- ⊗ Storm Manhole
- ⊙ Water Manhole
- ⊙ Catch Basin
- ⊙ Telephone Pedestal Riser
- ⊙ Cable Pedestal Riser
- ⊙ Electric Box or Transformer
- ⊙ Denotes Existing Elevation
- ⊙ Denotes Existing Contours



Proposed Drainage & Utility Easements are shown thus:
 REFER TO FINAL PLAT FOR PROPOSED LOCATIONS



BEING 10 FEET IN WIDTH AND ADJOINING
 RIGHT OF WAY LINES AND 5 FEET IN WIDTH
 AND ADJOINING INTERIOR LOT LINES.

Current Hardcover Percentages

LOT 1	
Lot Area to	15,559 sq ft
Wetland	
Garage	528 sq ft
Total	528 sq ft
Percentage	3.39%

LOT 2	
Lot Area to	11,466 sq ft
Wetland	
Residence	1,220 sq ft
Total	1,220 sq ft
Percentage	10.64%



Basis for bearings is assumed



Property located in Section
 26, Township 117, Range 23,
 Hennepin County, Minnesota

**PRELIMINARY PLAT FOR:
 KROISS DEVELOPMENT**
 350 Highway 7, Suite 218
 Excelsior, MN 55331

Certification

I certify that this plan, specification, 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.

Prepared this 21st day of November, 2019.

Prepared by:

Signature: *Gregory R. Prasch*
 Gregory R. Prasch Registration No. 24992

DEMARC
 LAND SURVEYING & ENGINEERING
 7601 73rd Avenue North (763) 560-3093
 Minneapolis, Minnesota 55428 Demarcinc.com

File No. F.B. No. 1097-73 Proj. No. 87366C
 F:\survey\meadville park - hennepin\85, 86, 87-187366A lot split site plan\01 Surveying - 87366A\01 CAD\01 Source\01 Survey Base.dwg

RESOLUTION NO 09-20

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

APPROVING

IN RE: The application of James and Jessica Benning for approval of Final Plat pursuant to Greenwood ordinance code Section 600.15 for the plat named Benning Addition to subdivide the property commonly known as 21915 Fairview Street, Greenwood, Minnesota 55331 (PID No. 26-117-23-31-0047) into two lots.

RECITALS

WHEREAS, Applicant James and Jessica Benning (hereinafter 'Applicant') are property owners of real property commonly known as 21915 Fairview Street, Greenwood, Minnesota 55331 (PID No. 26-117-23-31-0047).

WHEREAS, Applicant has submitted an application for a Final Plat for the above-named property to subdivide the property into two lots; and

WHEREAS, the real property at 21915 Fairview Street is legally described as follows:

Parcel 1:

Lots 85 and 86, Meadville Park, Hennepin County, Minnesota;

All of Lots 147 and 148, Auditor's Subdivision No. 141, Hennepin County, Minnesota, except that part of Lot 147 of said Subdivision formerly included in Lot 67, Meadville Park.

Parcel 2:

That part of the following described land:

Lot 87, Meadville Park, Hennepin County, Minnesota,

All that portion of the Street as laid out and dedicated in the plat of Meadville Park, lying between the Westerly lines of Lots 85, 86 and 87, Meadville Park and of Lot 144, Auditor's Subdivision No. 141 and the Easterly line of Lot 148, Auditor's Subdivision No. 141 and between the Southerly line of the street as opened by the Town Board and the extension of the Northerly line of Lot 63, Meadville Park to the Northwest corner of Lot 84, said Meadville Park.

Which lies Southwesterly of a line 15 feet Southwesterly of, measured at right angle to and parallel with, the Northeasterly line of said Lot 87 and its extensions.

Together with that part of the Northwesterly Half of vacated Street per document number 2567174 which lies adjacent to said Lots 85, 86 and 87 and which lies northeasterly of the southeasterly extension of said Lot 85 and Southwesterly of the Southeasterly extension of a line drawn parallel to and 15 feet Southwesterly of the Northeasterly line of said Lot 87.

; and

WHEREAS, notice of a public hearing for Preliminary Plat was published, a public hearing was held, and public comment was taken at the public hearing before the Planning Commission on December 9, 2019; and

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

WHEREAS, the city council of the city of Greenwood approved with conditions the Preliminary Plat on January 6, 2020; and

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

FINDINGS OF FACT

1. The foregoing Recitals are adopted as if set out here at in full.
2. That the real property commonly known as 21915 Fairview Street, Greenwood, Minnesota 55331 (PID No. 26-117-23-

31-0047), is a lot of record located within the Greenwood R-1 district.

3. In conformance with the requirements of Greenwood ordinance code section 600.15, the applicant has applied for Final Plat for the plat to be named "Benning Addition."
4. The Final Plat document shows locations and dimensions of proposed Lot 1 and Lot 2 which conform to the approved Preliminary Plat.
5. The request complies with the criteria in Greenwood ordinance code, to-wit:
 - (a) The proposed subdivision would meet the minimum lot size, width, and depth requirements for the zoning district as outlined in Section 1120.10;
 - (b) Except for existing nonconforming setback conditions not impacted by the subdivision, the properties meet the minimum lot size and setback requirements for the zoning district as outlined in Section 1120.05;
 - (c) The proposed subdivision would not create or intensify any nonconformities;
 - (d) The proposed subdivision would meet the lot design standards of Section 600.20 Subd. 4;
 - (e) The proposed subdivision will not negatively impact the public health, safety and general welfare.
6. The Preliminary Plat request was subject to the following conditions:
 - 1) If the house on proposed Lot 1 remains, a garage shall at all times be maintained on the property; and
 - 2) The portion of the existing garage that encroaches into the side setback shall be removed prior to the submission of a proposed Final Plat; and
 - 3) Applicant shall construct and maintain stormwater drainage swales or drainage ways as recommended by the City Engineer and the Final Plat shall dedicate drainage and utility easements as directed by the City Engineer; and
 - 4) Applicant shall submit application for Final Plat and a title commitment or other title evidence acceptable to the City Attorney within 6 months of Preliminary Plat approval; and
 - 5) Applicant pay the required park dedication fee at the time of Final Plat application; and
 - 6) The Final Plat of the subdivision shall be recorded with the county registrar of deeds or registrar of titles within 6 months of city approval.
7. The applicant met the required conditions requested for Final Plat. Other conditions that remain outstanding are required to be completed prior to recording of the Final Plat.

CONCLUSIONS OF LAW

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

The Applicant has made an adequate demonstration of facts for a subdivision meeting the standards of section 600.15 necessary for granting approval of a Final Plat and therefore the application for Final Plat for the plat known as "Benning Addition" should be approved.

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

That the application of James and Jessica Benning pursuant to Greenwood ordinance code section 600.15 for the plat known as "Benning Addition," is APPROVED.

PASSED this 5th day of February, 2020 by the city council of the city of Greenwood, Minnesota.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana Young, City Clerk



Agenda Number: **7B**

Agenda Date: **02-05-20**

Prepared by Dale Cooney

Agenda Item: Consider: Res 07-20, Findings for CUP Request, and Res 08-20, Findings for Variance Request, Cory and Denae Martilla, 21750 Byron Circle.

Summary: Copies of the application materials and staff report are attached reference. Notice of the public hearing was published in Finance & Commerce on 12-21-19. The planning commission held a public hearing at their 01-09-20 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 motions.

Planning Commission Action: The planning commission held a public hearing at their January 9, 2020 meeting. The planning commission recommended denial of the variance and conditional use permit requests based on the recommendation and findings of staff.

Based on input from the planning commission, the applicant submitted design revisions on 1-24-20. The revised drawings appeared to remove the variance request items from the proposal. In the opinion of staff, the submitted revisions are not suitable for decision-making purposes but may be appropriate for discussion purposes in order to provide the applicant input.

Key Dates:

Application complete:	December 19, 2019
Notice of Public Hearing published:	December 21, 2019
Planning Commission Public Hearing:	January 9, 2020
City Council Consideration:	February 5, 2020
60-Day Deadline:	February 17, 2020
120-Day Deadline:	April 17, 2020

Council Action: The city council must take action by 02-17-20 unless the council decides to exercise the city's option to take another 60 days to consider the request. Suggested motions ...

1. I move 1) the city council adopts resolution 07-20 laying out the findings of fact **DENYING** the conditional use permit requests of Cory and Denae Martilla to install retaining walls within the lake yard setback and to regrade the lake yard areas of the property; 2) the city council adopts resolution 08-20 laying out the findings of fact **DENYING** variance request to place an accessory structure and patio within the lake yard setback, to place a structure within a bluff impact zone at 21750 Byron Circle, as proposed; and 3) the council directs the city clerk to mail a copy of the findings to the applicant and the DNR, and place an Affidavit of Mailing for each of the mailings in the property file.
2. I move the city council directs staff to draft **FINDINGS FOR APPROVAL** for the variance and conditional use permit requests of Cory and Denae Martilla, 21750 Byron Circle, to be considered at the March 4, 2020 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 variance application by mailing written notice and placing an Affidavit of Mailing in the property file.
3. I move the city council directs city staff to exercise the city's option to take 60 additional days to process the variance and conditional use permit application of Cory and Denae Martilla, 21750 Byron Circle, by mailing written notice and placing an Affidavit of Mailing in the property file. The written notice shall state the reason for the extension is:
_____.

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



Agenda Item: Consider request of Precision Builders, LLC, contractor for the property owners at 21750 Byron Circle for a variance to place an accessory structure and patio within the lake yard setback, to place 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.

Summary: Precision Builders, LLC, contractor for the property owners at 21750 Byron Circle is requesting a variance in order to install an underground accessory structure within the bluff and lake yard setback, and to install a patio within 35 feet of the lake. A conditional use permit is required for the lake yard retaining walls and the regrading of the property. The house was built in 1988, according to Hennepin County records, and the lake yard has been heavily altered from its original topography.

Variations:

Note: On 1/24/20 the applicant submitted design revisions that appear to show the removal of all proposed conditions requiring a variance. (See attached.) In staff's opinion, the revisions are not suitable for decision-making purposes. The variance request is still active and the applicant will be required to withdraw the request or the city council will be required to act on the request by 2/17/20.

Primary Accessory Structure: Applicants are proposing to install an underground accessory structure 41 feet from the OHW of Lake Minnetonka. Per Section 1140.10 Subd. 2(B), primary accessory structures are required to have a 50 foot lake yard setback. The structure would be 160 square feet in size and would be buried within the hillside. As proposed, the underground structure would serve to preserve usable patio space above. To provide lakeside access to the structure, a 10-foot retaining wall would be built on the lakeside of the property.

Staff does understand the need for lake yard storage on a property with a bluff/steep slope between the principal structure and the useable yard near the lakeshore. However, the property currently has a 113 square foot lake yard shed that has been in existence since at least 2000. Staff finds that the underground nature of the structure to be a particularly invasive way to address a storage need. The 10-foot retaining wall further magnifies the lake yard impacts of the storage structure.

Secondary Accessory Structure: Applicants are proposing to install patio area 21 feet from the OHW of Lake Minnetonka. Per Section 1140.10 Subd. 2(3), patios 30 inches tall or less are considered secondary accessory structures are required to have a 35 foot lake yard setback. The patio area would sit adjacent to the proposed accessory structure and the flat area would be created by removing up to 6 feet of the existing hillside in this area.

Again, staff understands the desire of the property owners to utilize the lakeshore area, but the purpose and intent of the ordinance is to "prevent adverse impacts arising from overcrowding or competing uses associated with the placement of accessory structures." While the grading makes it difficult to meet a 35-foot setback for the patio area, the grading impacts of a patio in this area exceed any practical difficulty argument that might be made in support of the patio. Even then, the property is currently served by numerous lake yard decks and landings, some of which are as close as 39 feet from the lakeshore.

Bluff Impacts: The proposed accessory structure, lower patio area, upper patio area, proposed retaining walls are all at least partially within the bluff impact zone. Bluff impact zones are defined as the bluff and land located within 20 feet from the top of a bluff.

A bluff is defined as "a topographical feature such as a hill, cliff or embankment having all of the following characteristics: a. part or all of the feature is located in a shoreland area; b. the slope rises at least 25 feet above the ordinary high water level of the waterbody; c. the grade of the slope from the toe of the bluff to a point of 25 feet or more above the ordinary high water level averages 30 percent or greater; and d. the slope must drain toward the waterbody."

The southern 15 feet of the property rise to an elevation that meets the bluff definition. Section 1176 of the zoning code, the Shoreland Management District, regulates improvements within the bluff impact zones. Section 1176.04 Subd. 5.

States that structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

While portions of the lake yard area have been heavily disturbed and the bluff is not in a natural state, the proposed impacts would essentially obliterate this small bluff area. The proposal would cut 10 feet out of the base of the bluff, carve out an area for an accessory structure, tier retaining walls, and install patio areas on top of and below the bluff. Staff could envision some kind of patio area or improvements in the footprint of the existing disturbed areas, but staff is opposed to further degradation of the bluff.

Portions of the proposed deck area immediately adjacent to the house also encroach into the bluff setback (see attached building plans). Staff would be supportive of some level of deck encroachment in this area due to the existing configuration of the house.

Conditional Use Permit:

Note: On 1/24/20 the applicant submitted design revisions that are different than those viewed by the planning commission. In staff's opinion, the revisions are not suitable for decision-making purposes but are useful for discussion purposes. Based on the new plans, the bluff impacts noted below would not be relevant, but the remainder of the content is still applicable. Staff is also concerned about the relocation of the storage unit to the base of a previously steep slope and questions what long-term impacts such an invasive proposal would have to the stability of that portion of the hillside. Staff's comments below reflect the original proposal, but staff's opposition to the request remains intact based the findings below per the CUP review criteria found in city code section 1150.20.

Section 1140.19 (2) of the 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. 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. The two impacts are closely related and staff will address them simultaneously.

The lake yard would be heavily regraded. In the area of the existing steps and landings, some disturbed areas will be restored to a more natural slope. However, most of the remaining bluff and steep slope areas will be recontoured to be flattened and terraced with a series of retaining walls. In general, the proposal does little to work with the existing lake yard topography, but instead attempts to reimagine the rear of the property as a series of flat areas carved out and supported with retaining walls.

Staff has already detailed the bluff impacts above. Staff is not supportive of the proposed flat lawn area on the north side of the property, primarily due to the significant grading impacts to the steep slope in this area. The slope is approximately 37% in this area. While grading in a non-bluff steep slope area is not expressly limited by the zoning code, the comprehensive plan states in its slope policies that, "Slopes that are prone to severe erosion (30%) are protected as permanent open space." The proposal would alter a slope that is 11 feet tall and approximately 30 feet wide. The city should determine if a slope of this scale should remain in its natural state, or what grading parameters should be allowed.

Other Items:

Impervious Area and Stormwater Management: Applicant is showing an impervious area of 29.5%. Prior to any approval, staff would require an itemized list of improvements to verify this percentage.

Section 1140.17, Subd. 2 requires stormwater management for impervious surface expansions that exceed 200 square feet. The project proposes an impervious surface expansion of 586 square feet. Per Subd. 3c, this requirement does not apply for those properties that are able to demonstrate that the topographic features of the property will convey stormwater towards naturally occurring water features without impacting neighboring properties. The site plan for the project demonstrates that the topography drains towards Lake Minnetonka without impacting neighboring properties. However, additional details will need to be provided for the drainage of terraced areas.

Discussion: As noted above, portions of the lake yard have previously been heavily disturbed. Staff could envision a reimagining of this disturbed area to be more suitable for the needs of the applicants. Such an approach would be more sensitive to existing topography while also providing an improved lake yard for the applicants. Instead, the approach is to restore the disturbed area and reconfigure the remainder of the lake yard, much of which is steep slopes and bluffs. In staff's opinion, this is the most problematic way to approach the design problem.

Additionally, the proposal seeks to reimagine the lake yard with a series of terraces and retaining walls, punctuated by a below grade accessory structure. This approach seems to be not only the most invasive solution from a grading perspective, it is also the most visually impactful from the lake.

Staff Recommendation for Variance Request:

Staff recommends denial of the variance request of Precision Builders, LLC for 21750 Byron Circle to encroach 9 feet into the lake yard setback to build an accessory structure, to encroach 14 feet into the lake yard setback to install a patio, and to construct a structure within a bluff impact zone, as proposed.

The recommendation is based on the following findings:

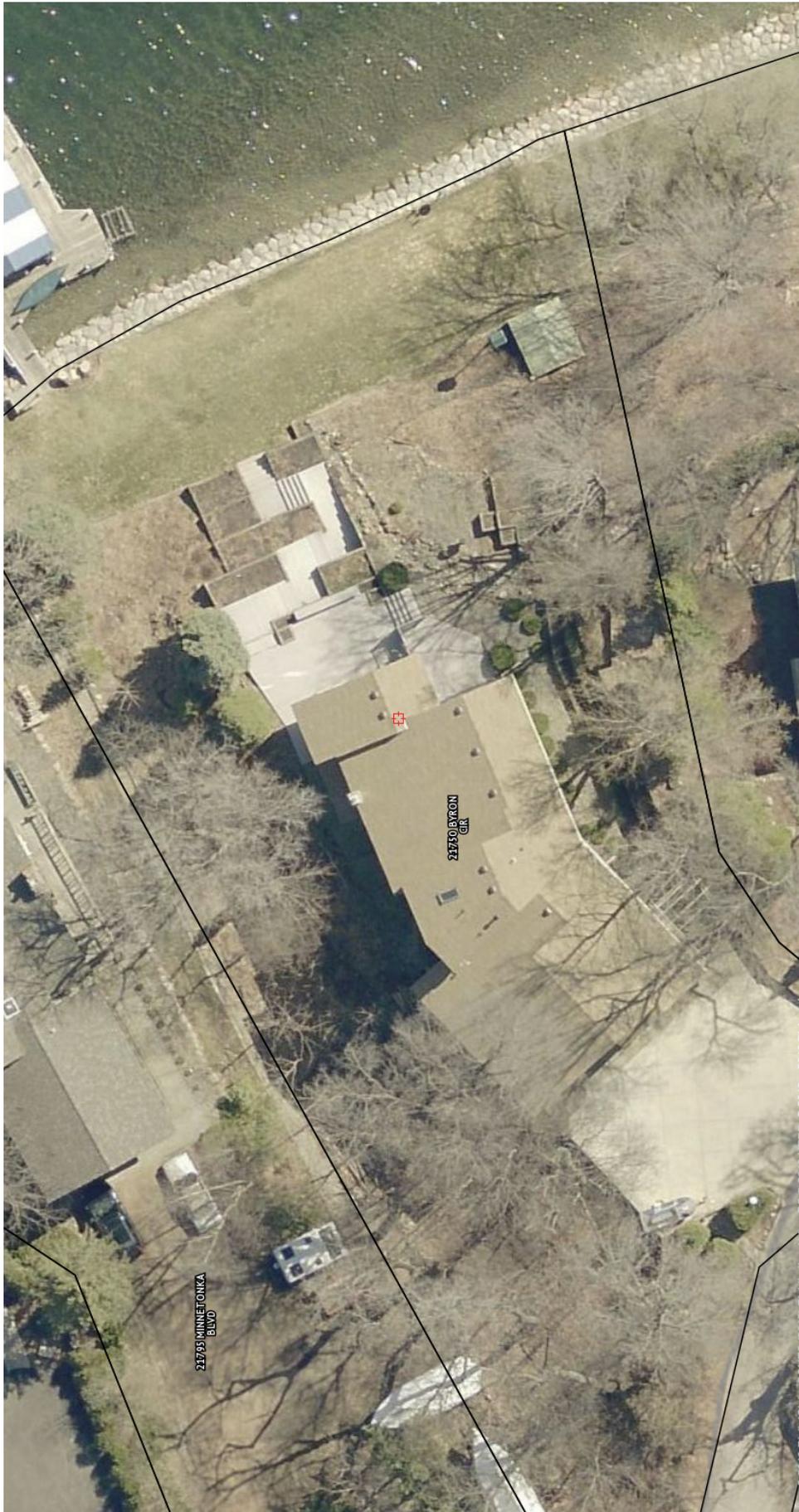
- a) The variance, if granted, will NOT be in harmony and keeping with the spirit and intent of the zoning ordinance. The purpose of the ordinance is to preserve the economic and natural environmental values of shorelands, and provide for the wise utilization of waters and related land resources. The installation of the proposed amenities is not in harmony and keeping with the zoning ordinance given that similar amenities already exist on the property and given the level of topographic disturbance and infrastructure that would be required to install the amenities as proposed.
- b) The variance, if granted, will be NOT be consistent with the comprehensive plan which requires standards that meet or exceed Department of Natural Resources shoreline standards to protect the shoreland from undue hardcover and specifically protect the shore impact zone from adverse consequences of development. The proposal would not meet or exceed the Department of Natural Resources shoreline standards and would create adverse consequences from development to the shore impact zone.
- 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 takes a particularly invasive approach which requires significant grading and retaining walls to make the proposal possible.
- d) The plight of the landowner-applicant is NOT due to circumstances unique to the property and not created by the landowner. The property already contains a legal nonconforming lake yard storage shed, so it is difficult to justify expanded storage in the lake yard. The property is large enough to support zoning code compliant patio and deck areas within the lake yard as evidenced by the existing patio and deck areas that meet the setback standards.
- e) The variance, if granted, WILL alter the essential character of the locality, because: the proposal will significantly reconfigure the lake yard grading in support of the accessory structures. Additional encroachments for amenities such as storage buildings and patios will increase the development impacts within the lake yard and further degrade the essential character of this area.
- f) The variance, if granted, will:
 - i. Not impair an adequate supply of light and air to adjacent property;
 - ii. Not unreasonably increase the congestion in the public street;
 - iii. Not 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 due to the invasive nature of the request, the extensive retaining walls required to support the request, and the increase the adverse consequences of development within the lake yard.

Staff Recommendation for Conditional Use Permit Request:

Staff recommends denial of the conditional use permit request of Precision Builders, LLC for 21750 Byron Circle to install retaining walls within the lake yard setback and to regrade the lake yard areas of the property, as proposed. Staff findings based on the CUP review criteria found in city code section 1150.20:

- a) The proposed use will NOT comply with the regulations specified for the R-1 zoning district since much of the proposal is in support of accessory structures that do not comply with setback standards.
- b) The use is one of the conditional uses permitted for the R-1 zoning district.
- c) The use MAY be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city since the impacts from regrading the bluff and steep slope areas on the property may undermine the stability of the bluffs and steep slopes of this property and/or adjacent properties.
- d) The proposed use will NOT be harmonious with the objective(s) of the comp plan, particularly the objective of: Meeting or exceeding the Department of Natural Resources shoreline standards to protect the shoreland from undue hardcover and protecting the shore impact zone from adverse consequences of development.
- e) The use MAY be hazardous or disturbing to existing or future neighboring uses since the project proposes a number of retaining walls and grading within the bluff impact zone. The bluff runs to the adjacent property to the

- south and the regrading of the bluff and the associated retaining walls may impact the stability of the slope.
- f) The use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, sewer, schools, or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
 - g) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
 - h) The use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
 - a. The use will have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
 - b. The use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
 - c. The use will not depreciate surrounding property values.



12/13



Conditional Use Permit Application

Person completing form: Property Owner Builder / Architect

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

Date application submitted	12-18-19
Date application complete (office use only)	
Property address	21750 Byron Circle
Property identification number (PID)	26-117-23-34-0055
Property owner's current mailing address	14190 Rawhide Parkway Dallas, TX 75234
Names of all property owners	Cory + DeMAE Martilla
Cell phone and email of property owner(s)	913 484 6591 Cory.Martilla@Supremelending.com
Name of builder / architect (if any)	Mike Peterson / Bill Madden / Roland Aberg
Company name of builder / architect	Precision Builders / Madden Architects / Hart Hoverton Landscape
Cell phone and email of builder / architect	612 889 7766 / 651 328 4571 / 415 740 1711
Company address	4551 Oak Chase Circle Egan, MN 55123
Present use of property	Single Family Residential
Property acreage	.5261 22917 #
Existing variances or conditional use permits	<input type="checkbox"/> No <input type="checkbox"/> Yes - please attach a copy
Request is for	<input type="checkbox"/> New Construction <input type="checkbox"/> Addition <input type="checkbox"/> Remodel <input checked="" type="checkbox"/> Replace <input type="checkbox"/> Other:
The CUP is being requested to (e.g. install a swimming pool)	Replace deteriorated & failing Existing Landscaping

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

Please answer each of the below questions:

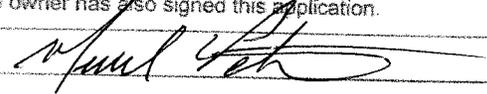
Will the proposed use comply with the regulations specified in the ordinance for the district in which the proposed use is to be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: Subject Property will Remain A Single Family Residential use. No changes.
Is the 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: NO change to use.
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: NO impact
Will the proposed use be harmonious with the objectives of the comp plan?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: NO change to use
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: NO change to use

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:	NO change to use.
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:	N/A
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:	NO change to use
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:	NO change to use or approach
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:	N/A
Will the proposed use unreasonably depreciate surrounding property values?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:	N/A NO change to use

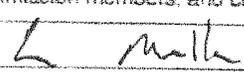
The applicant(s) contacted the following regulatory bodies and will seek approvals if required:

- (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: 12/12/19

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: 12/12/19

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
Total Amount Due (make check payable to the City of Greenwood)	\$600

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

12/19/19



Variance Application

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

Date application submitted	12/19/19
Date application complete (office use only)	
Property address	21750 Byron Circle
Property identification number (PID)	26-117-23-34-0055
Property owner's current mailing address	14190 Rawhide Pkwy Dallas, TX 75234
Names of all property owners	Cory & Renae Martilla
Cell phone and email of property owner(s)	9134846591 Cory.Martilla@Suprema-Lending.com
Name of builder / architect (if any)	Michael Peterson / Bill Madden / Roland Aberg
Company name of builder / architect	Acision Builders LLC / Madden Architects / Hart Howerton Landscape
Cell phone and email of builder / architect	6128897766 / 6513284571 / 4157401711
Company address	4531 Oak Chase Circle Eagan MN 55123
Present use of property	Single family Residential
Property acreage	.52 Acre 22644 Sq. Ft.
Existing variances or conditional use permits	<input type="checkbox"/> No <input type="checkbox"/> Yes - please attach a copy
Request is for	<input type="checkbox"/> New Construction <input type="checkbox"/> Addition <input checked="" type="checkbox"/> Remodel <input checked="" type="checkbox"/> Replace
The variance(s) are being requested to (e.g. build a garden shed)	Variance #1 Build a Subterranean Storage Shed #2 Install a level, dry permeable Area near lake shore

Requested variance(s):

	Required*	Proposed	Difference	
<input type="checkbox"/> Side Yard (feet)				
<input type="checkbox"/> Front Yard (feet)				
<input type="checkbox"/> Rear Yard (feet)				
<input checked="" type="checkbox"/> Lake Setback (feet)	50'	41.5'	9.5'	Var #1
<input type="checkbox"/> Building Height (feet)				
<input type="checkbox"/> Structure Height (feet)				
<input type="checkbox"/> Wetland Setback (feet)				
<input type="checkbox"/> Bluff Setback (feet)				
<input type="checkbox"/> Maximum Above Grade Building Volume (cubic feet)				
<input type="checkbox"/> Hardcover (percentage)				
<input checked="" type="checkbox"/> Other: Lake Setback	35'	26'	9.0'	Var. #2

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

Making your case for the grant of a variance

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

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

Establishing a "practical difficulty"

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

<p>Is the variance in harmony with the purposes and intent of the ordinance?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: <i>NO CHANGE IN USE</i></p>
<p>Is the variance consistent with the comprehensive plan?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: <i>proposal presents the best solution for required Repair + Replacement of existing.</i></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: <i>NO CHANGE IN USE</i></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: <i>Steep hillside limits access between home + Lake, please see attached narrative</i></p>
<p>Will the variance alter the essential character of the locality?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: <i>Current hillside stairs, walls, landscape are in disrepair + must be re-done, repaired, improved. See attached narrative.</i></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: <i>no change</i></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: <i>no change</i></p>
<p>Will the variance increase the danger of fire or endanger the public safety?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: <i>no change</i></p>
<p>Will the variance unreasonably diminish or impair established property values within the neighborhood?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: <i>Hillside improvements + House remodel (in subsequent Bldg. Permit Application) Will Improve property values.</i></p>

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

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

Neighbor #1 Address: 21795 MTKA Blvd.

Signature: _____ Date: _____

Print Name: Joel + Heather Davis

Neighbor #2 Address: 21800 Byron Circle

Signature: _____ Date: _____

Print Name: Todd & Amy Wilkinson

The undersigned contacted the following regulatory bodies and will seek approvals if required:
 (1) Lake Minnetonka Conservation District 952.745.0789 (2) Minnehaha Creek Watershed District 952.471.0590

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

Signature: [Handwritten Signature] Date: 12/19/19

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: Cory Martila Details signed by Cory Martila
DN: CN = Cory Martila OU = Supreme Lending Branch 100
Date: 2019-12-19 11:28:07 -0500 Date: 12/19/19

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

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

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

Variance application for
21750 Byron Circle
City of Greenwood
December 19, 2019

Additional Variance Narrative

The homeowner has purchased this lakefront home in Greenwood to live and recreate on Lake Minnetonka. The owner is in the process of doing a major interior and exterior remodel of an existing old house that needs considerable attention. This renovation will significantly upgrade the quality of the home and enhance its image on the lakefront in a very tasteful and appropriate architectural design. A building permit application for the home will be submitted to the City shortly. Since the home sits on a hillside way above the water elevation, stairs and retaining walls had been built to get to the water's edge many years ago. As part of the home renovation, the homeowner is also addressing the failing retaining walls and stair issue as well as the neglected overgrown garden landscape. This backyard hillside sits within the 50 foot setback. Therefore normal items that are convenient and support lakeside living are challenging to carry to the lake edge. Any items to support lakeside living therefore fall within this setback zone.

The homeowner seeks two variances from the Lakeshore setback rules to allow for reasonable use of their lakefront footage. Variance #1 is to allow a storage approach in the form of a subterranean storage unit to be installed at floor elevation 935.0, with doors opening towards the lake. Variance #2 is to allow a small area of dry, stable surface for seating near the lake. All of the proposed improvements to the hillside, including these two variances will improve the visual character of the property and therefore the lake front as well. They will not detract from any existing native vegetative cover. The storage approach will mitigate boating and other equipment lying on the water edge during non-use times. Instead of an independent building sitting on the waterfront, the homeowner is making the storage solution a subterranean approach. This is done by using an engineered storage container and burying it into the hillside with the doors integrated into the retaining wall elevation so the doors would be the only visible item seen from the lake. In addition, the doors would be faced with a wood veneer compatible with the architectural materials being used in the building renovation above. If the homeowner were to try to incorporate these two elements and eliminate variances, the site disturbance would be considerable while also creating an elevation that would appear to be very contrived and therefore in contrast to an appropriate lakeshore landscape. Additionally, triggering failures in maintaining the essential character of the shoreline, be in violation of the comprehensive plan, and be quite contrary to the purpose and intent of the ordinance itself.

In addition to the steep hillside separating the home from the waterfront, there is also a slope gradient from the toe of the hillside to the water edge. The homeowner would like the opportunity to be able to sit near the water edge on a dry, hard, level surface material. The plan therefore proposes that a small permeable surface be part of the improvements. This results in the second Variance. The small increase in hardscape surface within the Lakeshore zone would be mitigated by use of permeable pavers.

Continued

A summary of the key factors supporting these variances includes the following:

1. The property has no available level land near the waterfront on which an above ground storage building could be sited to support equipment and storage needs.
2. Storage is needed near the lake for boating and other water recreation equipment. Due to the steep hillside between the lake and home, the ability of the homeowner to move boating and recreational equipment up and down the slopes from the lake to the home is challenging.
3. A storage unit embedded into the hillside and hidden from view with only its doors showing is the most visually minimal solution that seems possible. The doors would be the only elements of the storage approach that would be visible. They would be integrated into the hillside retaining wall design and will be clad in a quality material.
4. The storage unit will allow for a neat and orderly lakeshore, free of boating and recreational equipment lying on the lower water edge area.
5. The existing stairs, walls and landscaping are in disrepair and need to be rebuilt. This creates the opportunity for the homeowner to install a storage approach that is hidden from view and integrated into the retaining wall system.
6. Concerning variance #2, between the hillside and the lake there is no level, stable area where seating can be provided. The paving will be a permeable type.
7. The current hillside vegetation is an overgrown and neglected garden landscape. No native landscape will be destroyed with this renovation. New planting will be installed on the hillside terraces when completed.



Permit #	FORM #15 Return this document to City Hall
Receipt #	

Stormwater Management Plan

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

Property Owner(s)	Cary & Denaé Mantilla
Property Address	21750 Byron Circle

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	12/13/19
Property Owner's Mailing Address	14190 Rowhide Parkway Dallas TX 75234
Property Owner's Phone Number	913 484 6591
Property Owner's Email	Cary.Mantilla@Supreme-Lending.com
Contractor or Builder / Architect Name	Precision Builders LLC / Hart-Howerton w/ Stark Civil Engineer
Contractor or Builder / Architect Address	4557 Oak Chase Circle Essey MN 55123
Contractor or Builder / Architect Phone	612 889 7766 / 415 740 1711
Contractor or Builder / Architect Email	Mike@precisionbuilders.us / CAberge@hart-howerton.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 (_____ SF) or the area that exceeds the hardcover requirements (_____ SF) X 1.25 gallons per SF. Type of volume reduction practice: _____.
- 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: 12/13/19
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Form Updated 01-08-19

From: Bob Bean <Robert.Bean@bolton-menk.com>
Sent: Tuesday, January 7, 2020 1:00 PM
To: dalec@mediacombb.net
Subject: RE: 21750 Byron Circle

Dale,

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

1. Drainage patterns would be maintained with proposed improvements. Runoff would continue to drain directly to Lake Minnetonka.
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. Retaining walls 4' or greater in height must be designed by a licensed Professional Engineer. Wall plans must be submitted for review and approval prior to construction.
4. It appears that bluff is present along the south side of the lot. A Bluff Exhibit should be submitted for review to establish the Bluff Impact Zone.
5. The following should be considered regarding proposed improvements in steep slope areas and the Bluff Impact Zone:
 - a. Plans should include direction for prevention of erosion and preservation of existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of Lake Minnetonka (1176.04.Subd6). Clear cutting of natural vegetation is prohibited and natural vegetation should be restored as feasible (1176.08.Subd1) A Landscape Plan and shoreline renderings should be included in the plan set as necessary to establish these items accordingly.
 - b. Proposed improvements appear to indicate fill in a Bluff Impact Zone. Fill or excavated material must not be placed in Bluff Impact Zones (1176.08.Subd2.C.5).
6. Clear drive lanes must be maintained on Byron Circle at all times.
7. The applicant will be required to obtain a Minnehaha Creek Watershed District permit for the proposed improvements. A copy of the permit should be provided to the City conditional to final approval.

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

From: dalec@mediacombb.net <dalec@mediacombb.net>
Sent: Monday, December 23, 2019 9:03 AM
To: Bob Bean <Robert.Bean@bolton-menk.com>
Subject: RE: 21750 Byron Circle

Received 1/24/20



Attached is a revised landscape sketch and notes for the Martilla's at 21750 Byron Circle. Please review these changes and provide feedback. We want to work with the city to arrive at a satisfactory solution to this project!

In this revision we have worked to create a solution that is designed to comply with the items of concern that were raised during the Planning and Zoning committee meeting of January 8, 2020. Please take note of the following design, understand that we are trying to improve erosion control, maintain access to the lake, manage the bluff zone, manage slopes north to south and the slopes from the water to the family home. All this in the effort to resolve the issues of failing and eroding existing landscape.

Note that in our submittal to the Planning Commission we had two variances proposed: One was the underground storage within the 50 foot setback zone, and two was the terrace by the shed within the 50 foot setback. We are eliminating both variances from the plan. Therefore we are only under the restriction of the CUP.

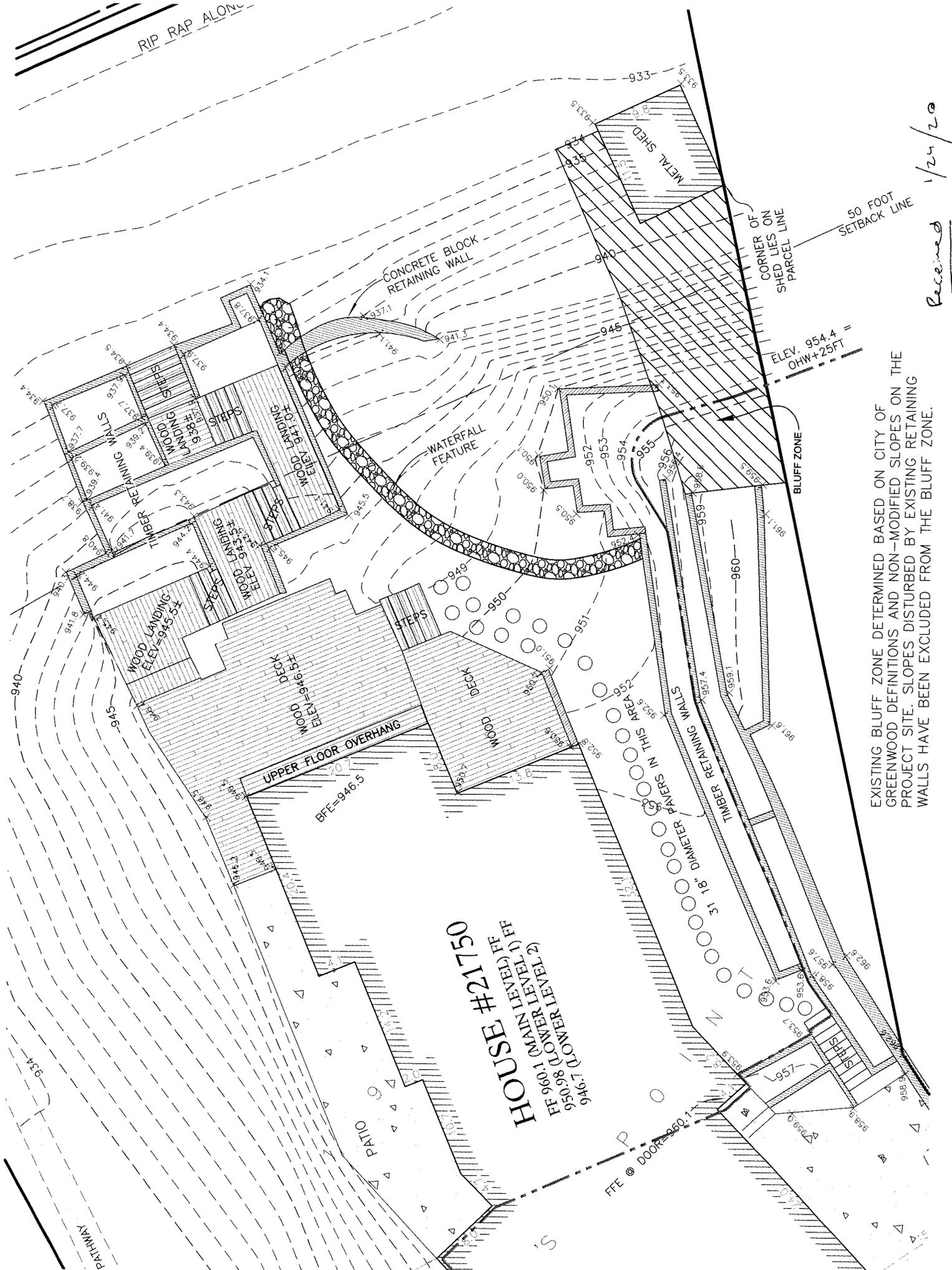
Design to comply changes include the following:

- Blend and refine the new landscape plan to existing elevations, minimizing grading impact both in the setback zone and out.
- Remove new walls from the bluff zone and only repair / replace existing in that area.
- Relocate south upper lobe area outside of bluff zone and move behind the 50' setback. The bluff zone is indicated on the sketch.
- Change the lower paver area near existing shed to either grass, sand or crushed rock, whatever is allowed by code.
- Relocate the subterranean storage unit behind the 50' setback by changing the direction and position. So this should no longer be an issue.
- Remove 112 linear feet of existing retaining wall that is currently in the setback zone.
- Install 76 linear feet of proposed new wall within the 50' setback.
- Lower the top of that proposed new wall to 40.75. The proposed 76' of new wall will consist of 39' directly facing the water, being an average height of 12". 21' directly facing the water, being an average height of 21". 16' facing north, being an average height of 51".
- Reduce the overall linear feet of retaining wall in the setback by 36 linear feet.
- Install dense new 2-3' tall plantings on the existing lake side of the north grass lawn loop. This effectively eliminates wall visibility from the water.

Please Call or email any questions!

Mike Peterson
612.889.776
Mike@PrecisionBuilders.us

RIP RAP ALONG



EXISTING BLUFF ZONE DETERMINED BASED ON CITY OF GREENWOOD DEFINITIONS AND NON-MODIFIED SLOPES ON THE PROJECT SITE. SLOPES DISTURBED BY EXISTING RETAINING WALLS HAVE BEEN EXCLUDED FROM THE BLUFF ZONE.

Received
1/24/20

HOUSE #157150
FE 960.1 MAIN LEVEL (1) FE
FE 950.9 LOWER LEVEL (2) FE

FFE @ DOOR = 981.1

PATHWAY

ELEV. 954.4 = OHW+25FT

50 FOOT SETBACK LINE

CORNER OF SHED LIES ON PARCEL LINE

BLUFF ZONE

CONCRETE BLOCK RETAINING WALL

WATERFALL FEATURE

31 18" DIAMETER PIPERS IN THIS AREA

UPPER FLOOR OVERHANG

BFE=946.5

TIMBER RETAINING WALLS

TIMBER RETAINING WALLS

WOOD LANDING ELEV. 945.5 FT

WOOD DECK

WOOD DECK

WOOD LANDING ELEV. 950.5 FT

WOOD LANDING ELEV. 951.5 FT

WOOD LANDING ELEV. 952.5 FT

WOOD LANDING ELEV. 953.5 FT

WOOD LANDING ELEV. 954.5 FT

WOOD LANDING ELEV. 955.5 FT

WOOD LANDING ELEV. 956.5 FT

WOOD LANDING ELEV. 957.5 FT

WOOD LANDING ELEV. 958.5 FT

WOOD LANDING ELEV. 959.5 FT

WOOD LANDING ELEV. 960.5 FT

WOOD LANDING ELEV. 961.5 FT

WOOD LANDING ELEV. 962.5 FT

WOOD LANDING ELEV. 963.5 FT

WOOD LANDING ELEV. 964.5 FT

WOOD LANDING ELEV. 965.5 FT

WOOD LANDING ELEV. 966.5 FT

WOOD LANDING ELEV. 967.5 FT

WOOD LANDING ELEV. 968.5 FT

WOOD LANDING ELEV. 969.5 FT

WOOD LANDING ELEV. 970.5 FT

WOOD LANDING ELEV. 971.5 FT

WOOD LANDING ELEV. 972.5 FT

WOOD LANDING ELEV. 973.5 FT

WOOD LANDING ELEV. 974.5 FT

WOOD LANDING ELEV. 975.5 FT

WOOD LANDING ELEV. 976.5 FT

WOOD LANDING ELEV. 977.5 FT

WOOD LANDING ELEV. 978.5 FT

WOOD LANDING ELEV. 979.5 FT

WOOD LANDING ELEV. 980.5 FT

WOOD LANDING ELEV. 981.5 FT

WOOD LANDING ELEV. 982.5 FT

WOOD LANDING ELEV. 983.5 FT

WOOD LANDING ELEV. 984.5 FT

WOOD LANDING ELEV. 985.5 FT

WOOD LANDING ELEV. 986.5 FT

WOOD LANDING ELEV. 987.5 FT

WOOD LANDING ELEV. 988.5 FT

WOOD LANDING ELEV. 989.5 FT

WOOD LANDING ELEV. 990.5 FT

WOOD LANDING ELEV. 991.5 FT

WOOD LANDING ELEV. 992.5 FT

WOOD LANDING ELEV. 993.5 FT

WOOD LANDING ELEV. 994.5 FT

WOOD LANDING ELEV. 995.5 FT

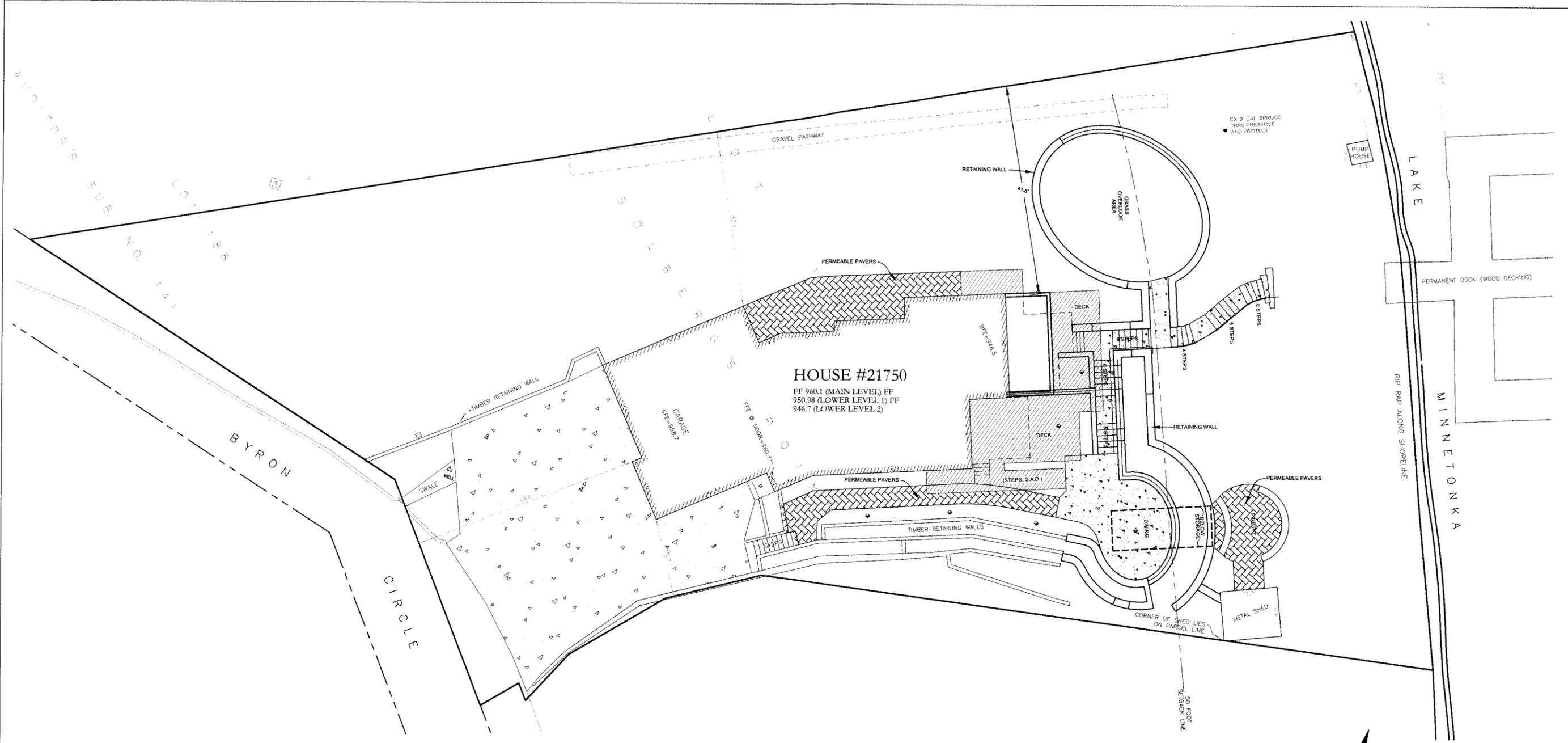
WOOD LANDING ELEV. 996.5 FT

WOOD LANDING ELEV. 997.5 FT

WOOD LANDING ELEV. 998.5 FT

WOOD LANDING ELEV. 999.5 FT

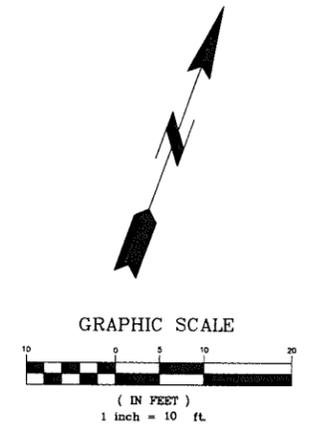
WOOD LANDING ELEV. 1000.5 FT



HOUSE #21750
 FF 960.1 (MAIN LEVEL) FF
 950.98 (LOWER LEVEL 1) FF
 946.7 (LOWER LEVEL 2)

NOTES:

1. BASE PLAN USED IS A SURVEY PREPARED BY VAN NESTE SURVEYING.
2. ALL EXISTING UTILITY LOCATIONS AND ELEVATIONS SHOWN ARE APPROXIMATE ONLY. CONTRACTOR SHALL CONFIRM ALL LOCATIONS AND ELEVATIONS PRIOR TO CONSTRUCTION. CONTRACTOR SHALL CONTACT UTILITY COMPANIES VIA GOPHER STATE ONE-CALL ONLINE OR BY CALLING 811 OR 1-800-252-1166.
3. ALL CONSTRUCTION SHALL CONFORM TO THE MOST RESTRICTIVE OF THE PROJECT SPECIFICATIONS, THE STANDARD SPECIFICATIONS OF THE CITY OF GREENWOOD AND THE LATEST EDITION OF MNDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION.
4. TOTAL LOT AREA = 22,917 SF (0.53 ACRES)
 PROPOSED IMPERVIOUS SURFACE AREA = 6,755 SF (29.5%)
5. PER THE PROJECT ARCHITECT, ABOVE GRADE BUILDING VOLUME IS LESS THAN 85,000 CF.



REVIEW PLAN
NOT FOR CONSTRUCTION

www.starkengineer.com
 320-249-2611
 Sauk Rapids, Minnesota

STARK ENGINEERING

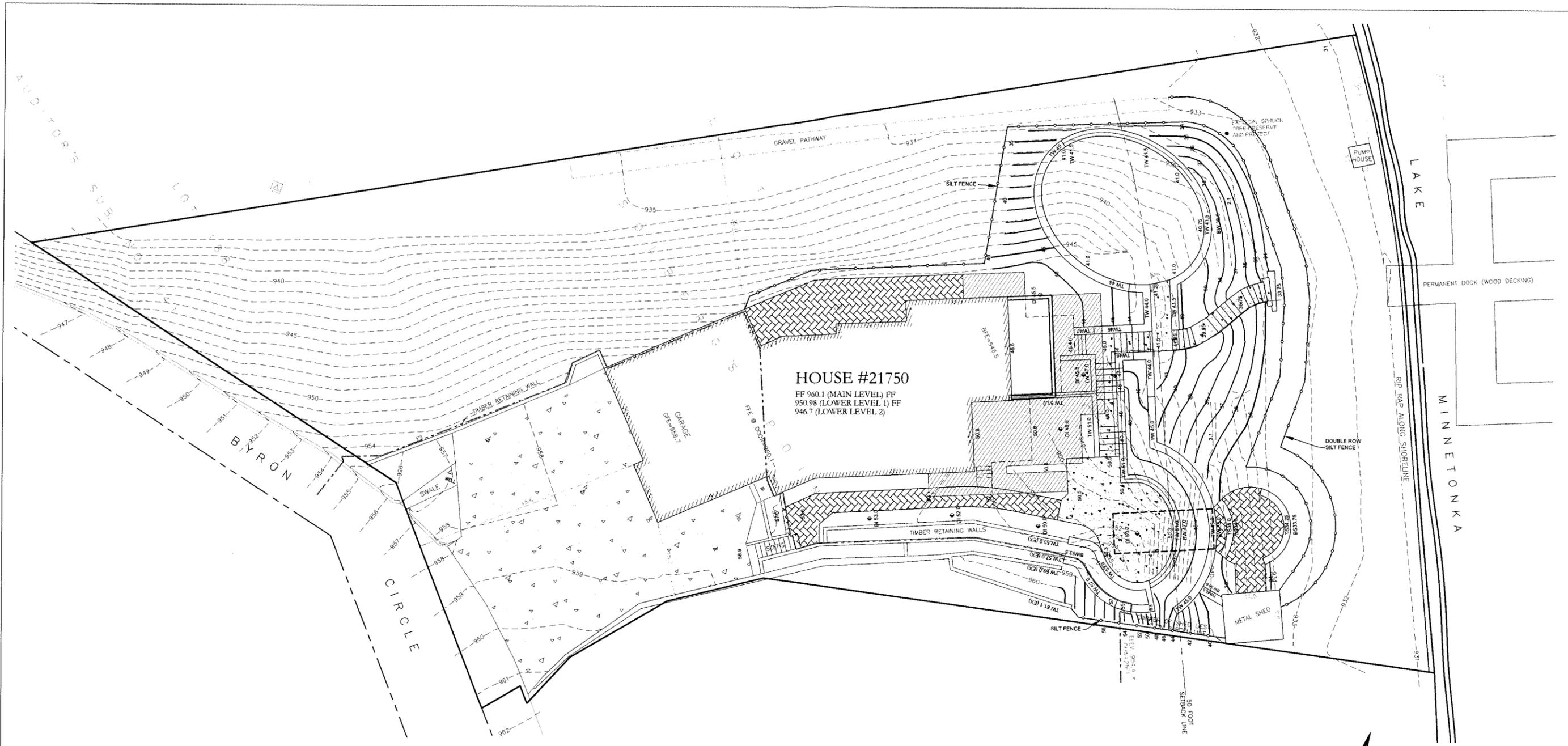
I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly licensed professional engineer under the laws of the State of Minnesota.
 Wayne C.B. Stark 12/13/19 26093 Date Registration No.

REVISIONS	DATE

SITE & UTILITY PLAN

MARTILLA RESIDENCE
 GREEN WOOD, MINNESOTA
 for: PRECISION BUILDERS

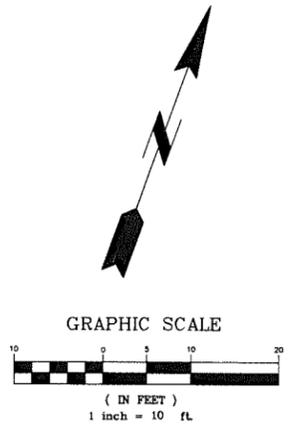
SHEET
C-1
 OF 2 SHEETS



HOUSE #21750
 FF 960.1 (MAIN LEVEL) FF
 950.98 (LOWER LEVEL 1) FF
 946.7 (LOWER LEVEL 2)

NOTES:

1. BASE PLAN USED IS A SURVEY PREPARED BY VAN NESTE SURVEYING.
2. ALL EXISTING UTILITY LOCATIONS AND ELEVATIONS SHOWN ARE APPROXIMATE ONLY. CONTRACTOR SHALL CONFIRM ALL LOCATIONS AND ELEVATIONS PRIOR TO CONSTRUCTION. CONTRACTOR SHALL CONTACT UTILITY COMPANIES VIA GOPHER STATE ONE-CALL ONLINE OR BY CALLING 811 OR 1-800-252-1166.
3. ALL CONSTRUCTION SHALL CONFORM TO THE MOST RESTRICTIVE OF THE PROJECT SPECIFICATIONS, THE STANDARD SPECIFICATIONS OF THE CITY OF GREENWOOD AND THE LATEST EDITION OF MNDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION.
4. THE FOLLOWING SEQUENCE AND PROTOCOLS SHALL BE FOLLOWED FOR EROSION AND SEDIMENT CONTROL DURING THE SITE DEVELOPMENT PROCESS:
 - A. INSTALL PERIMETER CONTROLS (SILT FENCE) AS SHOWN ON THE PLANS PRIOR TO START OF WORK.
 - B. NO CONCRETE WASHOUTS ARE ALLOWED ON THE PROJECT SITE. SOIL STOCKPILES SHALL HAVE PERIMETER CONTROL AND HAVE TEMPORARY SEED AND MULCH.
 - C. MAINTAIN ALL TEMPORARY EROSION CONTROL DEVICES IN PLACE UNTIL THE CONTRIBUTING DRAINAGE AREA HAS BEEN STABILIZED. INSPECT TEMPORARY EROSION CONTROL DEVICES ON A WEEKLY BASIS AND AFTER EACH 1/2" OR MORE RAIN EVENT. CLEAN OR MAINTAIN THESE DEVICES AS NEEDED TO BE EFFECTIVE. REPLACE DETERIORATED, DAMAGED OR ROTTED EROSION CONTROL DEVICES IMMEDIATELY.
 - D. REMOVE ALL SOILS AND SEDIMENTS DEPOSITED ONTO PUBLIC AND/OR PRIVATE PAVEMENT AREAS WITHIN 24 HOURS OF DEPOSITION. REMOVAL OF TRACKING MATERIALS SHALL BE COMPLETED AT THE END OF EACH WORK DAY WHEN IT OCCURS. SWEEPING MAY BE ORDERED AT ANY TIME IF CONDITIONS WARRANT.
 - E. PERFORM SITE REMOVALS, GRADING, EXCAVATION AND EMBANKMENT. SEED AND MULCH ALL DISTURBED AREAS OUTSIDE OF PROPOSED RETAINING WALL, CONCRETE PAVEMENT, PAVERS, DECKING AND BUILDING AREAS WITHIN 72 HOURS OF THIS WORK.
 - F. INSTALL UTILITIES, PAVERS, RETAINING WALL AND CONCRETE PAVEMENT SECTION. FINE GRADE SITE AND RESTORE GREEN AREAS WITH PERMANENT VEGETATION PER PLANS.
 - G. REMOVE ALL TEMPORARY EROSION AND SEDIMENT CONTROL DEVICES AFTER SITE HAS UNDERGONE FINAL STABILIZATION AND PERMANENT VEGETATION HAS BEEN ESTABLISHED WITH AT LEAST 70% COVERAGE.



REVIEW PLAN
NOT FOR CONSTRUCTION

www.starkengineer.com
320-249-2611
Sauk Rapids, Minnesota

STARK ENGINEERING

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.
 Wayne C.B. Stark Date: 12/13/19 Registration No. 26093

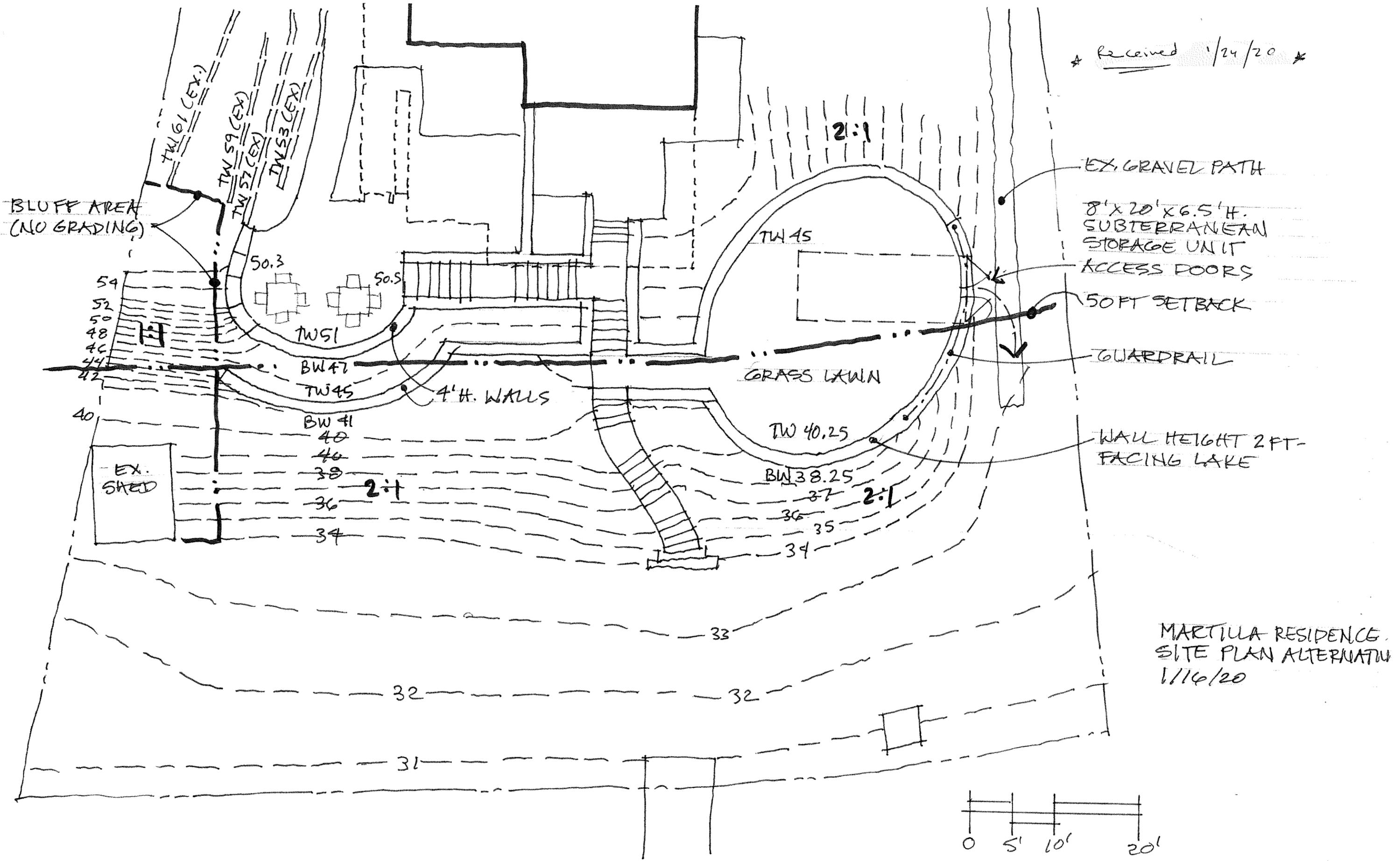
REVISIONS	

GRADING & EROSION CONTROL PLAN

MARTILLA RESIDENCE
 GREEN WOOD, MINNESOTA
 for:
 PRECISION BUILDERS

SHEET
C-2
 OF 2 SHEETS

* Received 1/24/20 *



MARTILLA RESIDENCE
SITE PLAN ALTERNATIVE
1/16/20

CERTIFICATE OF SURVEY

LEGAL DESCRIPTION:

That part of Lot 18, Solberg's Point, that lies northeasterly of the following described line:
 Commencing at the most westerly corner of said Lot 19; thence on an assumed bearing of South 43 degrees 18 minutes 00 seconds East along the southeasterly line of said Lot 19, a distance of 115.00 feet to the point of beginning of the line to be described; thence North 37 degrees 36 minutes 58 seconds East a distance of 54.38 feet; thence North 75 degrees 38 minutes 41 seconds East a distance of 133 feet more or less to the shoreline of Lake Minnetonka and there leveling;
 EXCEPT the northeast 7 feet thereof.

ALSO: That part of Lot 18B, Auditor's Subdivision Number 141, which lies Southeast of the Southwesterly extension of the Southeast line of the Northwest 7 feet of Lot 18, Solberg's Point.

That part of Lot 19, Solberg's Point, described as follows:

Commencing at the most westerly corner of said Lot 19; thence on an assumed bearing of South 43 degrees 18 minutes East, along the southeasterly line of said Lot 19, a distance of 115.00 feet; thence North 37 degrees 36 minutes 58 seconds East, a distance of 8.83 feet; thence North 37 degrees 36 minutes 58 seconds East, continuing on the last described course, a distance of 33.76 feet to the point of beginning of the line to be described; thence North 54 degrees 12 minutes 24 seconds East, a distance of 19.80 feet; thence South 75 degrees 38 minutes 41 seconds West, a distance of 8.11 feet; thence South 37 degrees 36 minutes 58 seconds West a distance of 11.89 feet to the point of beginning, Hennepin County, Minnesota.

and

That part of Lot 19, Solberg's Point described as follows: Commencing at the most westerly corner of said Lot 19; thence on an assumed bearing of South 43 degrees 18 minutes East, along the southeasterly line of said Lot 19, a distance of 115.00 feet; thence North 37 degrees 36 minutes 58 seconds East, a distance of 8.83 feet; thence North 37 degrees 36 minutes 58 seconds East, continuing on the last described course, a distance of 33.76 feet to the point of beginning of the line to be described; thence North 54 degrees 12 minutes 24 seconds East, a distance of 19.80 feet; thence South 75 degrees 38 minutes 41 seconds West, a distance of 8.11 feet; thence South 37 degrees 36 minutes 58 seconds West a distance of 11.89 feet to the point of beginning, Hennepin County, Minnesota.

PREPARED FOR:
 CORY MARTILLA AND
 DENAE MARTILLA
 21750 BYRON CIRCLE
 GREENWOOD, MN 55331



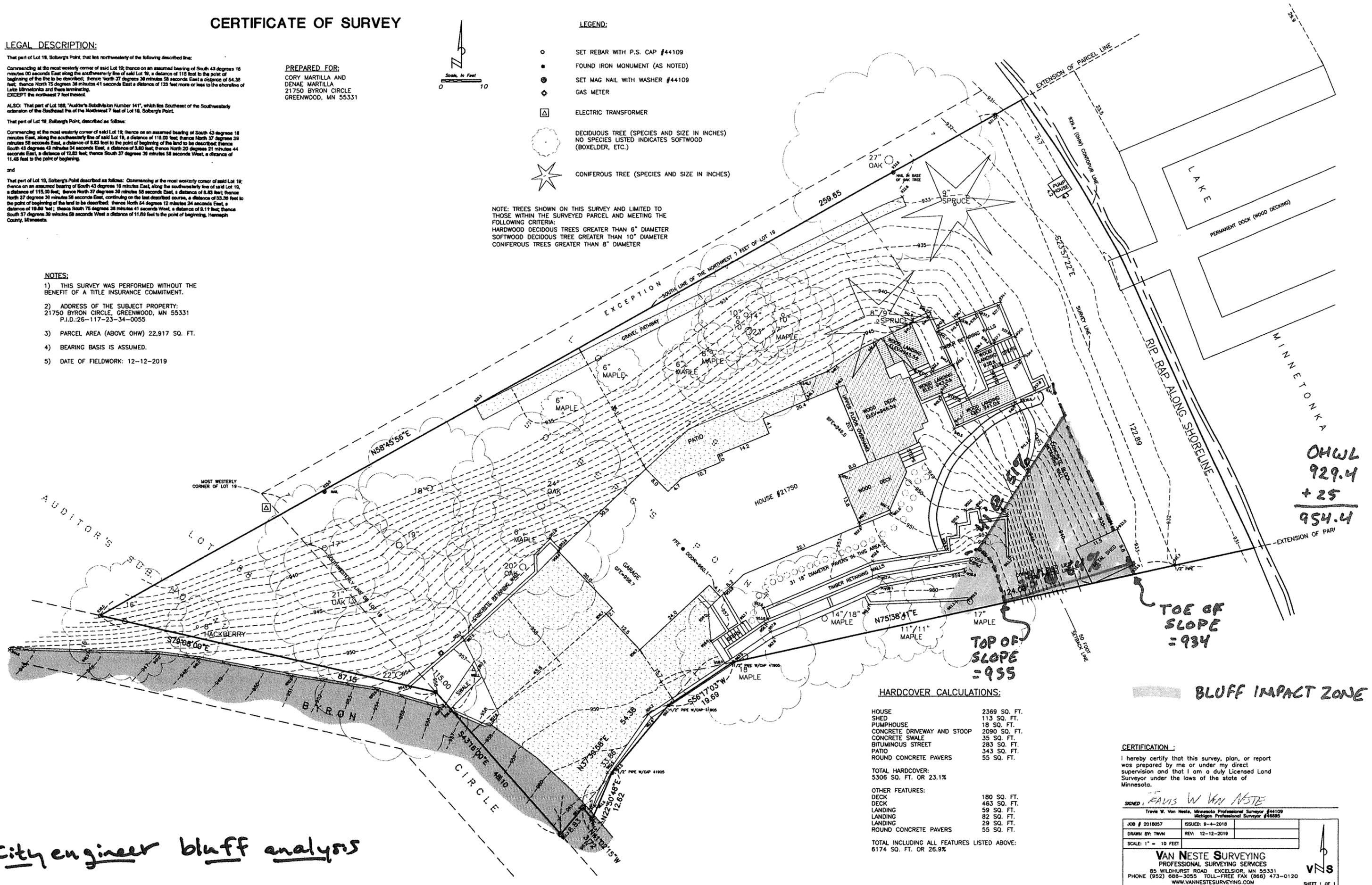
LEGEND:

- SET REBAR WITH P.S. CAP #44109
- FOUND IRON MONUMENT (AS NOTED)
- ⊕ SET MAG NAIL WITH WASHER #44109
- ⊕ GAS METER
- ⊠ ELECTRIC TRANSFORMER
- DECIDUOUS TREE (SPECIES AND SIZE IN INCHES)
 NO SPECIES LISTED INDICATES SOFTWOOD (BOXELDER, ETC.)
- ★ CONIFEROUS TREE (SPECIES AND SIZE IN INCHES)

NOTE: TREES SHOWN ON THIS SURVEY AND LIMITED TO THOSE WITHIN THE SURVEYED PARCEL AND MEETING THE FOLLOWING CRITERIA:
 HARDWOOD DECIDUOUS TREES GREATER THAN 6" DIAMETER
 SOFTWOOD DECIDUOUS TREE GREATER THAN 10" DIAMETER
 CONIFEROUS TREES GREATER THAN 8" DIAMETER

NOTES:

- 1) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE INSURANCE COMMITMENT.
- 2) ADDRESS OF THE SUBJECT PROPERTY:
 21750 BYRON CIRCLE, GREENWOOD, MN 55331
 P.I.D.:26-117-23-34-0055
- 3) PARCEL AREA (ABOVE OHW) 22,917 SQ. FT.
- 4) BEARING BASIS IS ASSUMED.
- 5) DATE OF FIELDWORK: 12-12-2019



OHWL
 929.4
 + 25

 954.4

HARDCOVER CALCULATIONS:

HOUSE	2369 SQ. FT.
SHED	113 SQ. FT.
PUMPHOUSE	19 SQ. FT.
CONCRETE DRIVEWAY AND STOOP	2090 SQ. FT.
CONCRETE SWALE	35 SQ. FT.
BITUMINOUS STREET	283 SQ. FT.
PATIO	343 SQ. FT.
ROUND CONCRETE PAVERS	55 SQ. FT.
TOTAL HARDCOVER:	5306 SQ. FT. OR 23.1%
OTHER FEATURES:	
DECK	180 SQ. FT.
DECK	463 SQ. FT.
LANDING	59 SQ. FT.
LANDING	82 SQ. FT.
LANDING	29 SQ. FT.
ROUND CONCRETE PAVERS	55 SQ. FT.
TOTAL INCLUDING ALL FEATURES LISTED ABOVE:	6174 SQ. FT. OR 26.9%

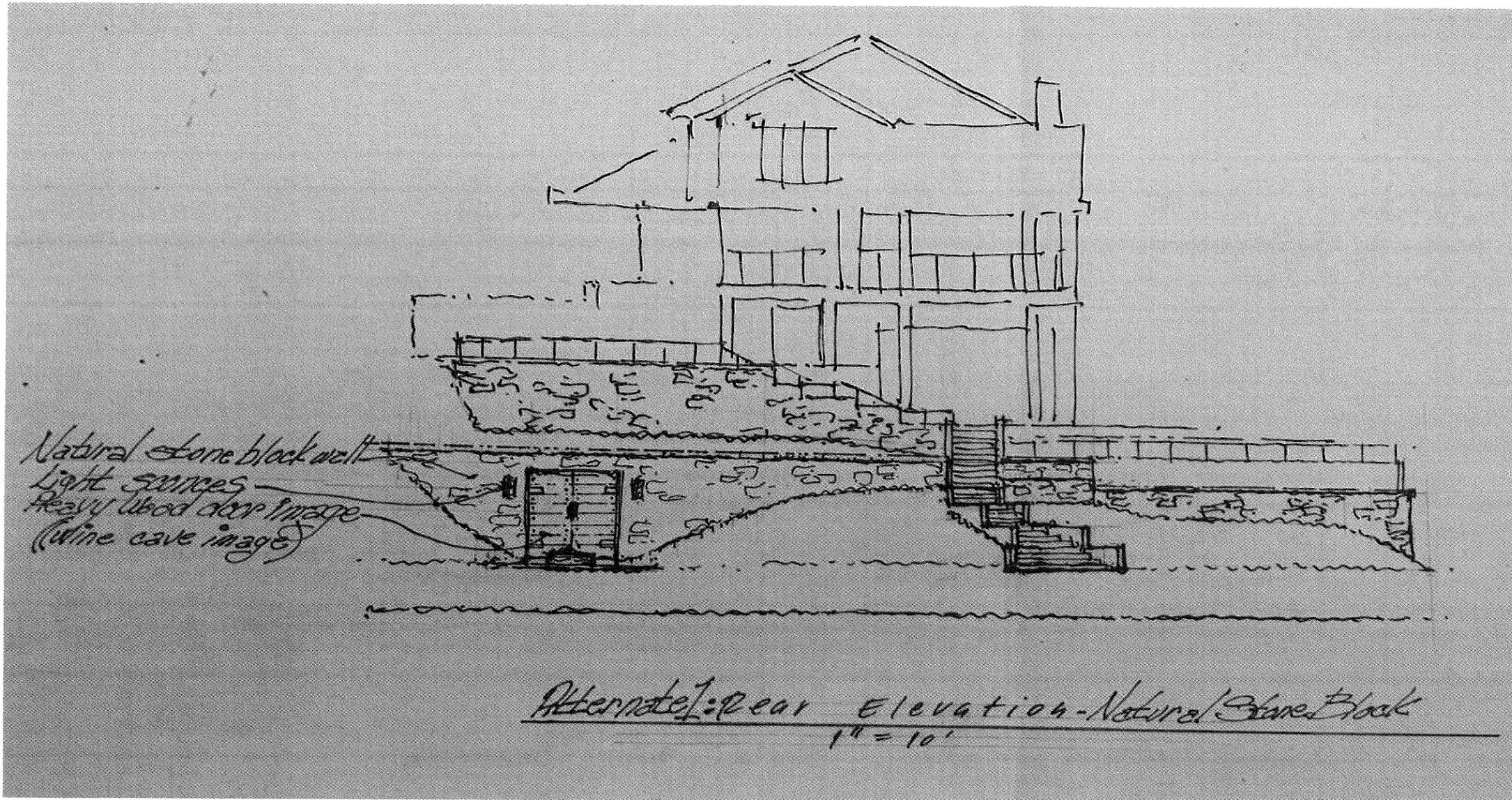
CERTIFICATION:

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.

SIGNED: *TRAVIS W. VAN NESTE*
 Travis W. Van Neste, Minnesota Professional Surveyor #44109
 Michigan Professional Surveyor #46895

JOB # 2018057	ISSUED: 9-4-2018
DRAWN BY: TWM	REV: 12-12-2019
SCALE: 1" = 10 FEET	
VAN NESTE SURVEYING PROFESSIONAL SURVEYING SERVICES	
85 WILDHURST ROAD EXCELSIOR, MN 55331 PHONE (952) 886-3055 TOLL-FREE FAX (866) 473-0120 WWW.VANNESTESURVEYING.COM	

City engineer bluff analysis

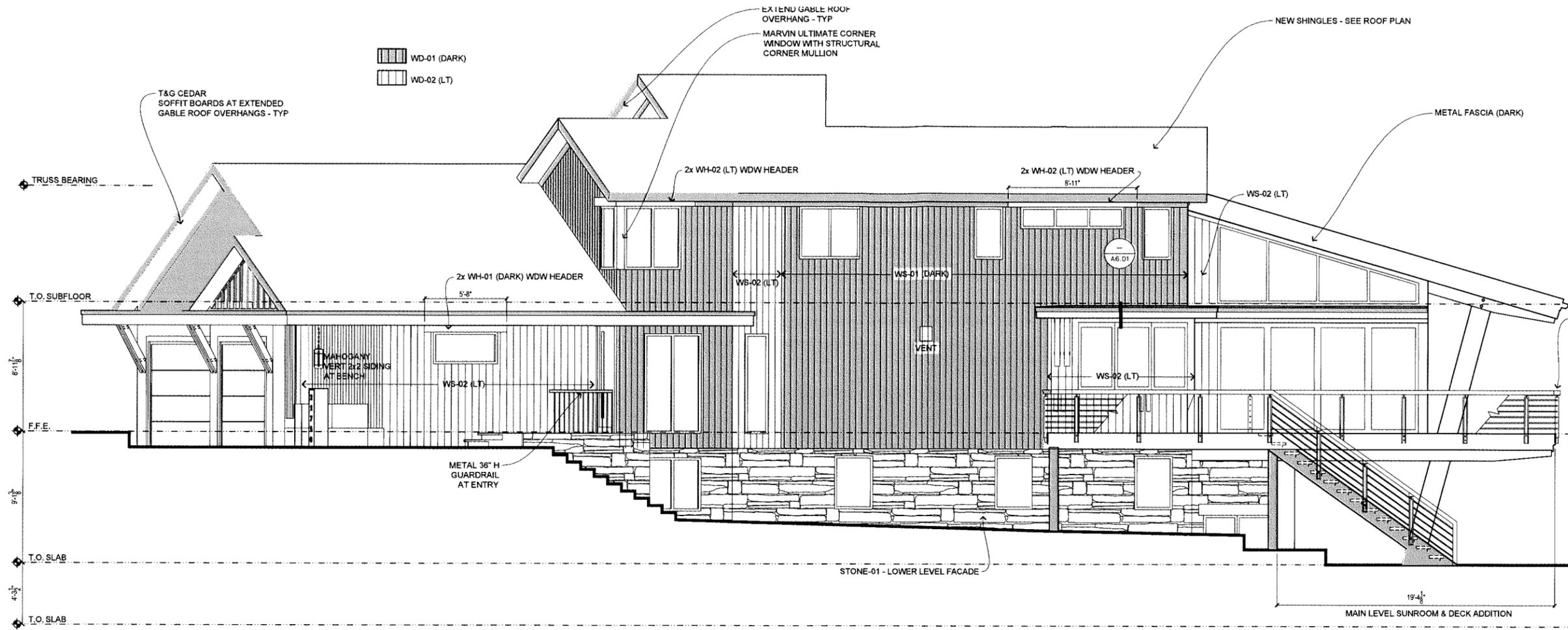


The subterranean storage locker shown in elevation and with its subterranean outline shown on the plan as a dashed line, is a standard steel metal shipping container modified to fit into this unique site location. The container is 8 feet wide by 8.5 feet high by 20 feet in depth. The container is completely buried into the hillside. The steel container doors will be clad with decorative wood and supported with architectural metal hinges and entry hardware. The cladding will completely hide the steel container door material so no part of the normal shipping container material will be visible from the outside. The container is reinforced beneath the earth slope on the sides and top with steel plates that are welded to the shipping container to create the structural integrity required in this situation. These plates therefore give it the structural capacity to support the earth, stone walls and terrace shown on the plans. In addition to the steel structural plates, the container system is completely waterproofed. Drainage around the container is accomplished by incorporating drainage rock on all sides including above the roof and below the floor. Drainage pipe is set at the base of the gravel drainage rock to carry water away from the container and is daylighted at the base of the hillside. From a visual impact perspective, the actual container would not be seen. Instead, an observer from the yard or on the lake would only see the two architecturally designed wood doors that would be designed to fit the entry frame that is 8 foot wide and 8.5 feet high. The character of the wood doors would architecturally integrate with the colors and character of the main house seen above.

LAKESIDE SKETCH
ELEVATION OF WALLS
WITH STORAGE
CONTAINER INTEGRATED

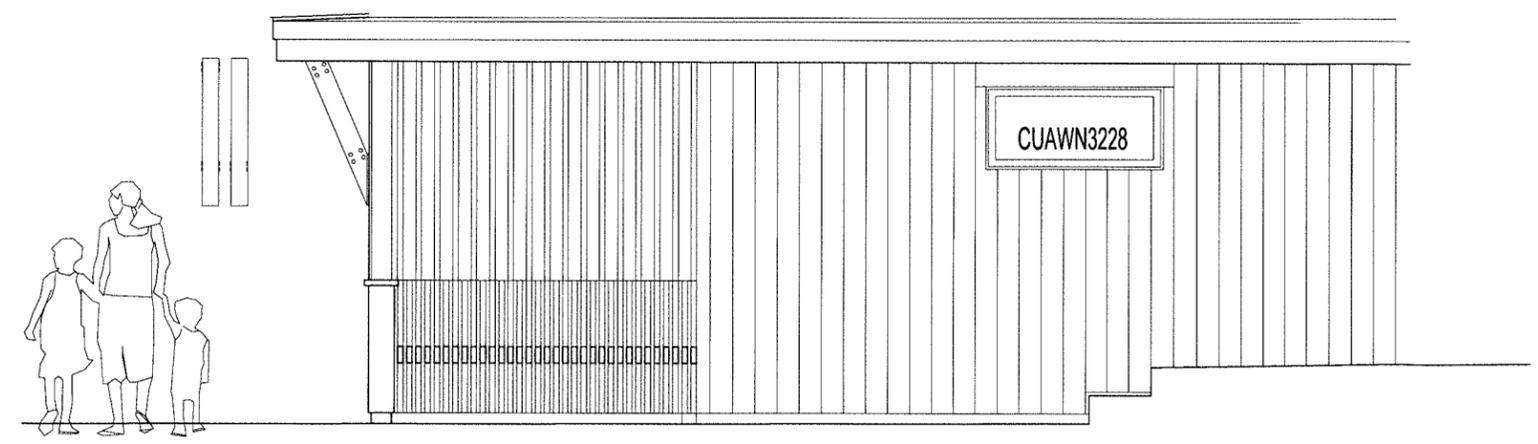
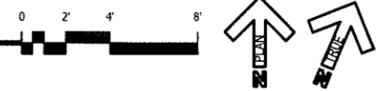


MARTILLA RESIDENCE
21750 BYRON CIRCLE
GREENWOOD, MN



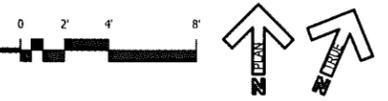
SOUTH (SIDE) ELEVATION

1/4"=1'-0" (@ FULL SIZE 22"X34") & 1/8"=1'-0" (@ HALF SIZE 11"X17")



SOUTH ELEVATION - SIDE GARAGE

1/2"=1'-0" (@ FULL SIZE 22"X34") & 1/4"=1'-0" (@ HALF SIZE 11"X17")



PROGRESS SET - NOT FOR BID OR CONSTRUCTION

ARCHITECT:
MADDEN ARCHITECTS
 2203 Como Avenue
 Saint Paul, MN 55108
 T E L (6 5 1) 3 2 8 - 4 5 7 1
 WHMADDEN@GMAIL.COM

BUILDER:
PRECISION BUILDERS
 Precision Builders LLC
 4551 Oak Chase Circle
 Eagan, MN 55123
 Mike Peterson
 612-889-7766
 mike@precisionbuilders.us

STRUCTURAL ENGINEER:
KOMA
 6115 Cahill Avenue
 Inver Grover Heights, MN
 55076
 Matt Van Hoof, P.E.
 651-789-4129
 mvanhoofkomainc.com

Addition and Remodel
Martilla Residence
 21750 Byron Circle
 Greenwood, MN

SCOPE OF PROJECT:
 ADDITION & REMODEL
 PROJECT NUMBER:
 2019_Martilla
 PROJECT PHASE:
 DESIGN DEVELOPMENT
 ISSUE DATE:
 12/11/2019
 SCALE:
 AS NOTED

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

SIGNATURE:
 NAME:
 DATE:
 REGISTRATION NUMBER:

SHEET TITLE:
 SOUTH (SIDE) ELEVATION

SHEET NUMBER:

A4.1

Issued For Review Only
 Not For Construction

ARCHITECT:
MADDEN ARCHITECTS
 2203 Como Avenue
 Saint Paul, MN 55108
 T E L (6 5 1) 328-4571
 WHMADDEN@GMAIL.COM

BUILDER:

PRECISION BUILDERS
 Precision Builders LLC
 4551 Oak Chase Circle
 Egan, MN 55123
 Mike Peterson
 612-889-7766
 mike@precisionbuilders.us

STRUCTURAL ENGINEER:
KOMA
 6115 Cahill Avenue
 Inver Grover Heights, MN
 55076
 Matt Van Hoof, P.E.
 651-789-4129
 mvanhoofkomainc.com

Addition and Remodel
Martilla Residence
 21750 Byron Circle
 Greenwood, MN

SCOPE OF PROJECT:
 ADDITION & REMODEL
 PROJECT NUMBER:
 2019_Martilla
 PROJECT PHASE:
 DESIGN DEVELOPMENT
 ISSUE DATE:
 12/11/2019
 SCALE:
 AS NOTED

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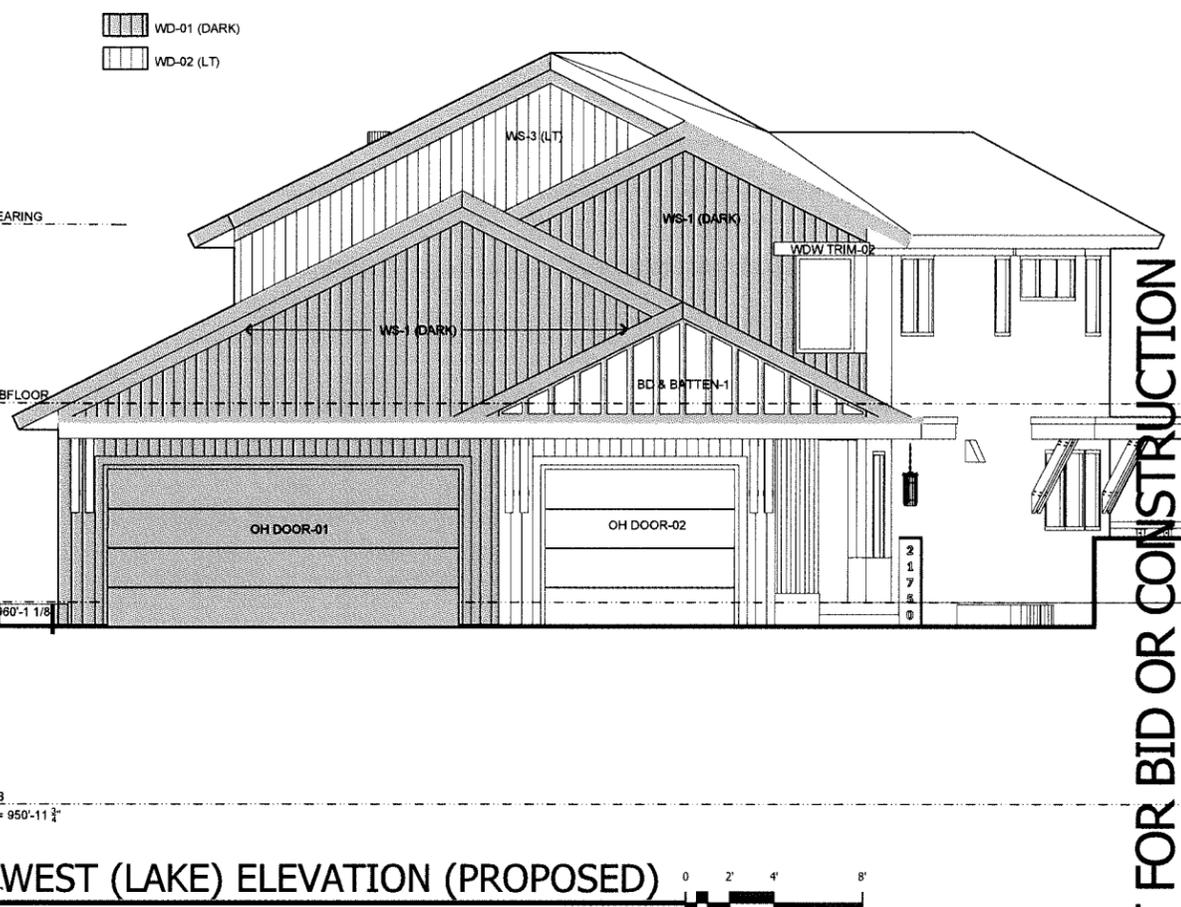
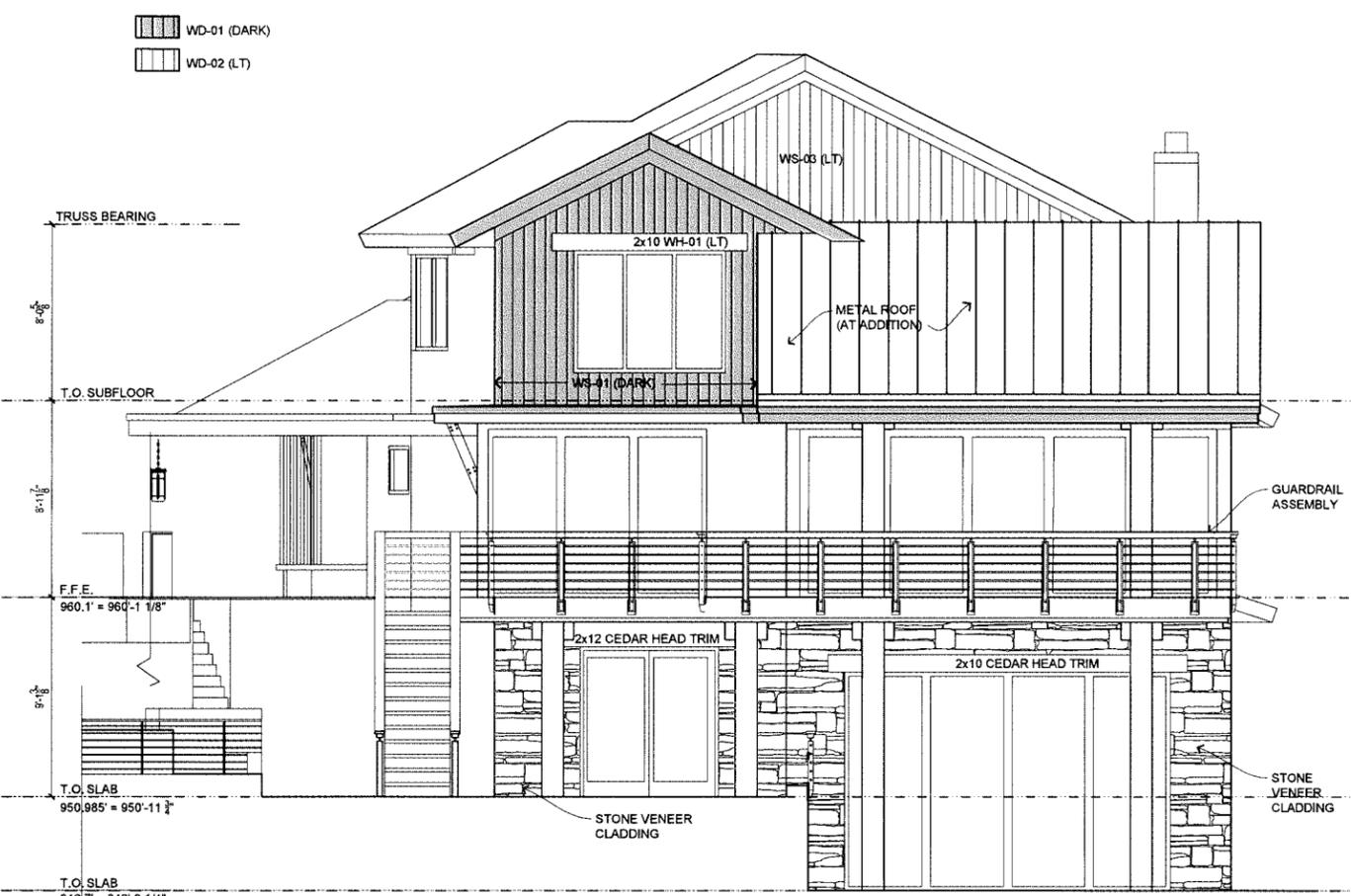
SIGNATURE:
 NAME:
 DATE:
 REGISTRATION NUMBER:

SHEET TITLE:
 EAST (LAKE) ELEVATION
 WEST (FRONT) ELEVATION

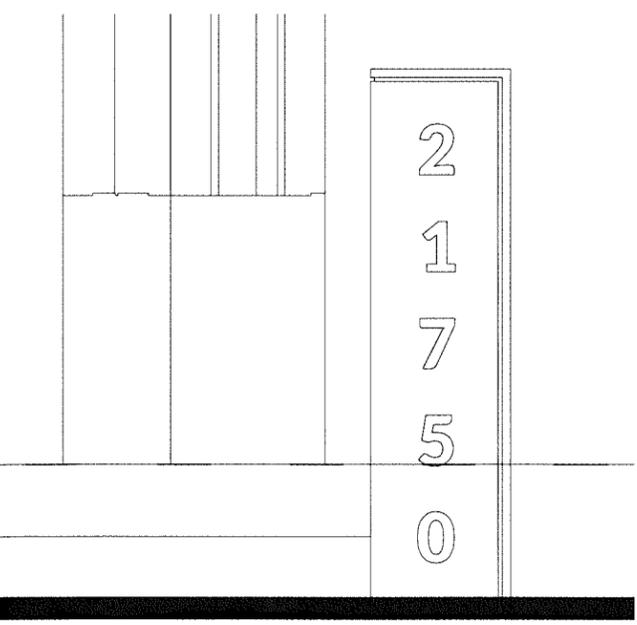
SHEET NUMBER:

A4.2

PROGRESS SET - NOT FOR BID OR CONSTRUCTION



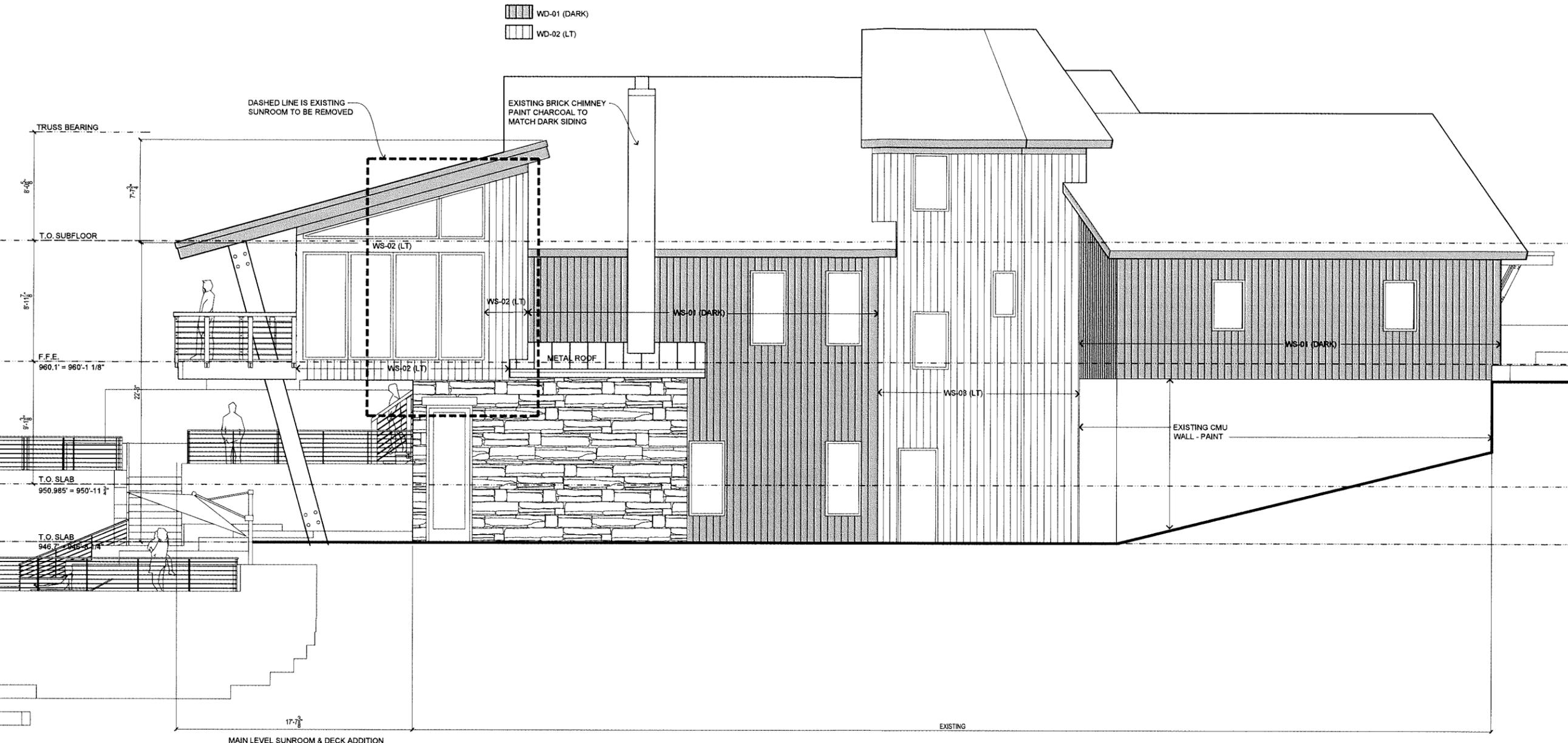
WEST (LAKE) ELEVATION (PROPOSED)
 1/4"=1'-0" (@ FULL SIZE 22"X34") & 1/8"=1'-0" (@ HALF SIZE 11"X17")



ENTRY ADDRESS MARKER
 1-1/2"=1'-0" (@ FULL SIZE 22"X34") & 3/4"=1'-0" (@ HALF SIZE 11"X17")

EAST (LAKE) ELEVATION (PROPOSED)
 1/4"=1'-0" (@ FULL SIZE 22"X34") & 1/8"=1'-0" (@ HALF SIZE 11"X17")

Issued For Review Only
 Not For Construction



NORTH (SIDE) ELEVATION (PROPOSED)

1/4"=1'-0" (@ FULL SIZE 22"X34") & 1/8"=1'-0" (@ HALF SIZE 11"X17")



PROGRESS SET - NOT FOR BID OR CONSTRUCTION

ARCHITECT:
MADDEN ARCHITECTS
 2203 Como Avenue
 Saint Paul, MN 55108
 T E L (6 5 1) 328-4571
 WHMADDEN@GMAIL.COM

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KOMA
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Addition and Remodel
Martilla Residence
 21750 Byron Circle
 Greenwood, MN

SCOPE OF PROJECT:
 ADDITION & REMODEL
 PROJECT NUMBER:
 2019_Martilla
 PROJECT PHASE:
 DESIGN DEVELOPMENT
 ISSUE DATE:
 12/11/2019
 SCALE:
 AS NOTED

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

SIGNATURE:
 NAME:
 DATE:
 REGISTRATION NUMBER:

SHEET TITLE:
 NORTH (SIDE) ELEVATION

SHEET NUMBER:

A4.3

Issued For Review Only
 Not For Construction

RESOLUTION NO 07-20

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

DENYNG

In Re: Application of Cory and Denae Martilla for the property at 21750 Byron Circle for a conditional use permit under Greenwood ordinance code sections 1140.19(3), 1176.04(7), 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 and the installation of retaining walls within the lake yard setback.

WHEREAS, Applicants Cory and Denae Martilla (hereinafter 'Applicant') is the owner of property commonly known as 21750 Byron Circle, Greenwood, Minnesota 55331 (PID No. 26-117-23-34-0055) being real property located in Hennepin County, Minnesota and legally described below; and

That part of Lot 19, Solberg's Point, that lies northwesterly of the following described line:

Commencing at the most westerly corner of said Lot 19; thence on an assumed bearing of South 43 degrees 16 minutes 00 seconds East along the southwesterly line of said Lot 19, a distance of 115 feet to the point of beginning of the line to be described; thence North 37 degrees 39 minutes 58 seconds East a distance of 54.38 feet; thence North 75 degrees 38 minutes 41 seconds East a distance of 133 feet more or less to the shoreline of Lake Minnetonka and there terminating, EXCEPT the northwest 7 feet thereof.

ALSO: That part of Lot 188, "Auditor's Subdivision Number 141", which lies Southeast of the Southwesterly extension of the Southeast line of the Northwest 7 feet of Lot 19, Solberg's Point.

That part of Lot 19, Solberg's Point, described as follows:

Commencing at the most westerly corner of said Lot 19; thence on an assumed bearing of South 43 degrees 16 minutes East, along the southwesterly line of said Lot 19, a distance of 115.00 feet; thence North 37 degrees 39 minutes 58 seconds East, a distance of 8.83 feet to the point of beginning of the land to be described; thence South 43 degrees 43 minutes 04 seconds East, a distance of 3.80 feet; thence North 20 degrees 21 minutes 44 seconds East, a distance of 12.62 feet; thence South 37 degrees 39 minutes 58 seconds West, a distance of 11.48 feet to the point of beginning.

and

That part of Lot 19, Solberg's Point described as follows: Commencing at the most westerly corner of said Lot 19; thence on an assumed bearing of South 43 degrees 16 minutes East, along the southwesterly line of said Lot 19, a distance of 115.00 feet; thence North 37 degrees 39 minutes 58 seconds East, a distance of 8.83 feet; thence North 37 degrees 39 minutes 58 seconds East, continuing on the last described course, a distance of 33.36 feet to the point of beginning of the land to be described; thence North 54 degrees 12 minutes 24 seconds East, a distance of 19.69 feet; thence South 75 degrees 38 minutes 41 seconds West, a distance of 9.11 feet; thence South 37 degrees 39 minutes 58 seconds West a distance of 11.69 feet to the point of beginning, Hennepin County, Minnesota.

WHEREAS, the applicant proposes to regrade the property and install retaining walls within the lake yard setback; 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 January 9, 2020; 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 21750 Byron Circle, Greenwood, Minnesota 55331 (PID No. 26-117-23-34-0055) is a single-family lot of record located within the R-1 district.

2. The applicant is proposing to alter site/lot topography that increases or decreases the average grade (existing compared to final conditions) by more than 1 foot in a 300 square foot area in conjunction with a lake yard landscaping project. 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 1176.04, Subd. 7 retaining walls shall not be placed within the shore setback zone without a conditional use permit. Applicant proposes the installation of a number of retaining walls within the shore setback.
4. 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.
5. Greenwood ordinance section 1150.20, Subd 1 states:

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

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

6. The applicant asserts that the proposed CUP request complies with CUP standards in Greenwood ordinance section 1150.20, Subd 1.
7. The planning commission held a public hearing and discussed the CUP request and on a 5-0 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) The proposed use will NOT comply with the regulations specified for the R-1 zoning district since much of the proposal is in support of accessory structures that do not comply with setback standards.
 - b) The use is one of the conditional uses permitted for the R-1 zoning district.
 - c) The use MAY be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city since the impacts from regrading the bluff and steep slope areas on the property may undermine the stability of the bluffs and steep slopes of this property and/or adjacent properties.
 - d) The proposed use will NOT be harmonious with the objective(s) of the comp plan, particularly the objective of: Meeting or exceeding the Department of Natural Resources shoreline standards to protect the shoreland from undue hardcover and protecting the shore impact zone from adverse consequences of development.
 - e) The use MAY be hazardous or disturbing to existing or future neighboring uses since the project proposes a number of retaining walls and grading within the bluff impact zone. The bluff runs to the adjacent property to the south and the regrading of the bluff and the associated retaining walls may impact the stability of the slope.
 - f) The use will be served adequately by essential public facilities and services, including streets, police and fire

protection, drainage structures, refuse disposal, sewer, schools, or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.

- g) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- h) The use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
 - a. The use will have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
 - b. The use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
 - c. The use will not depreciate surrounding property values.

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.

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 section 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 use permit to alter site/lot topography that increases or decreases the average grade (existing compared to final conditions) by more than 1 foot in a 300 square foot area and to place retaining walls within the shore setback zone for the property at 21750 Byron Circle.

PASSED this 5th day of February 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 08-20

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

DENYING

In Re: Application of Cory and Denae Martilla for the property at 21750 Byron Circle for a variance from Greenwood ordinance code sections 1140.10 and 1176.04 to place an accessory structure and patio within the lake yard setback, and to place a structure within a bluff impact zone.

WHEREAS, Applicants Cory and Denae Martilla (hereinafter 'Applicant') is the owner of property commonly known as 21750 Byron Circle, Greenwood, Minnesota 55331 (PID No. 26-117-23-34-0055) being real property located in Hennepin County, Minnesota and legally described below; and

That part of Lot 19, Solberg's Point, that lies northwesterly of the following described line:

Commencing at the most westerly corner of said Lot 19; thence on an assumed bearing of South 43 degrees 16 minutes 00 seconds East along the southwesterly line of said Lot 19, a distance of 115 feet to the point of beginning of the line to be described; thence North 37 degrees 39 minutes 58 seconds East a distance of 54.38 feet; thence North 75 degrees 38 minutes 41 seconds East a distance of 133 feet more or less to the shoreline of Lake Minnetonka and there terminating, EXCEPT the northwest 7 feet thereof.

ALSO: That part of Lot 188, "Auditor's Subdivision Number 141", which lies Southeast of the Southwesterly extension of the Southeast line of the Northwest 7 feet of Lot 19, Solberg's Point.

That part of Lot 19, Solberg's Point, described as follows:

Commencing at the most westerly corner of said Lot 19; thence on an assumed bearing of South 43 degrees 16 minutes East, along the southwesterly line of said Lot 19, a distance of 115.00 feet; thence North 37 degrees 39 minutes 58 seconds East, a distance of 8.83 feet to the point of beginning of the land to be described; thence South 43 degrees 43 minutes 04 seconds East, a distance of 3.80 feet; thence North 20 degrees 21 minutes 44 seconds East, a distance of 12.62 feet; thence South 37 degrees 39 minutes 58 seconds West, a distance of 11.48 feet to the point of beginning.

and

That part of Lot 19, Solberg's Point described as follows: Commencing at the most westerly corner of said Lot 19; thence on an assumed bearing of South 43 degrees 16 minutes East, along the southwesterly line of said Lot 19, a distance of 115.00 feet; thence North 37 degrees 39 minutes 58 seconds East, a distance of 8.83 feet; thence North 37 degrees 39 minutes 58 seconds East, continuing on the last described course, a distance of 33.36 feet to the point of beginning of the land to be described; thence North 54 degrees 12 minutes 24 seconds East, a distance of 19.69 feet; thence South 75 degrees 38 minutes 41 seconds West, a distance of 9.11 feet; thence South 37 degrees 39 minutes 58 seconds West a distance of 11.69 feet to the point of beginning, Hennepin County, Minnesota.

WHEREAS, the applicant proposes to place an accessory structure and patio within the lake yard setback, and to place a structure within a bluff impact zone; 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 January 9, 2020; 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 21750 Byron Circle, Greenwood, Minnesota 55331 (PID No. 26-117-23-34-0055) is a single-family lot of record located within the R-1 district.
2. Applicants are proposing to install an underground accessory structure 41 feet from the OHW of Lake Minnetonka. Per Section 1140.10 Subd. 2(B), primary accessory structures are required to have a 50 foot lake yard setback. The structure would be 160 square feet in size and would be buried within the hillside.
3. Applicants are proposing to install patio area 21 feet from the OHW of Lake Minnetonka. Per Section 1140.10 Subd. 2(3), patios 30 inches tall or less are considered secondary accessory structures are required to have a 35-foot lake yard setback. The patio area would sit adjacent to the proposed accessory structure and the flat area would be created by removing up to 6 feet of the existing hillside in this area.
4. The applicants propose to place an accessory structure and patio within the lake yard setback, and to place a structure within a bluff impact zone. Per Section 1102, bluff impact zones are defined as the bluff and land located within 20 feet from the top of a bluff. Section 1176 of the zoning code, the Shoreland Management District, regulates improvements within the bluff impact zones. Section 1176.04 Subd. 5. States those structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
5. Greenwood ordinance section 1155.10, subd 4, 5 & 6 states:

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

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

Economic considerations alone shall not constitute practical difficulties.

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

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

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

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

6. The applicants assert that the proposed variance request complies with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6.
7. The planning commission, on a 5-0 vote, recommended the council deny the request of Cory and Denae Martilla to vary from city code section 1176.04 to replace, repair, and reconfigure retaining walls within the bluff impact zone at 21750 Byron Circle, as proposed.

The recommendation is based on the following findings:

- (a) The variance, if granted, will NOT be in harmony and keeping with the spirit and intent of the zoning ordinance. The purpose of the ordinance is to preserve the economic and natural environmental values of shorelands, and provide for the wise utilization of waters and related land resources. The installation of the proposed amenities is not in harmony and keeping with the zoning ordinance given that similar amenities (a lake yard storage shed) already exist on the property and given the level of topographic disturbance and infrastructure that would be required to install the amenities as proposed.

- (b) The variance, if granted, will be not be consistent with the comprehensive plan which requires standards that meet or exceed Department of Natural Resources shoreline standards to protect the shoreland from undue hardcover and specifically protect the shore impact zone from adverse consequences of development. The proposal would not meet or exceed the Department of Natural Resources shoreline standards and would create adverse consequences from development to the shore impact zone.
- (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 takes a particularly invasive approach which requires significant grading and retaining walls to make the proposal possible.
- (d) The plight of the landowner-applicant is NOT due to circumstances unique to the property and not created by the landowner. The property already contains a legal nonconforming lake yard storage shed, so it is difficult to justify expanded storage in the lake yard. The property is large enough to support zoning code compliant patio and deck areas within the lake yard as evidenced by the existing patio and deck areas that meet the setback standards.
- (e) The variance, if granted, WILL alter the essential character of the locality, because: the proposal will significantly reconfigure the lake yard grading in support of the accessory structures. Additional encroachments for amenities such as storage buildings and patios will increase the development impacts within the lake yard and further degrade the essential character of this area.
- (f) The variance, if granted, will:
 - i. Not impair an adequate supply of light and air to adjacent property;
 - ii. Not unreasonably increase the congestion in the public street;
 - iii. Not 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 due to the invasive nature of the request, the extensive retaining walls required to support the request, and the increase the adverse consequences of development within the lake yard.

8. Based on the foregoing, the city council determined that the variance request does not comply with the practical difficulties standards in Greenwood ordinance section 1155.10, subd 4, 5, & 6.

CONCLUSIONS OF LAW

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

The applicant has not made an adequate demonstration of facts meeting the standards of section 1155.10 necessary for the granting of variances from sections 1140.10 and 1176.04 and therefore variances to place an accessory structure and patio within the lake yard setback, and to place a structure within a bluff impact zone 21750 Byron Circle 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 Cory and Denae Martilla for the property at 21750 Byron Circle, Greenwood, Minnesota 55331 for variances from sections 1140.10 and 1176.04 to place an accessory structure and patio within the lake yard setback, and to place a structure within a bluff impact zone 21750 Byron Circle is **DENIED**.

PASSED this 5th day of February, 2020 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



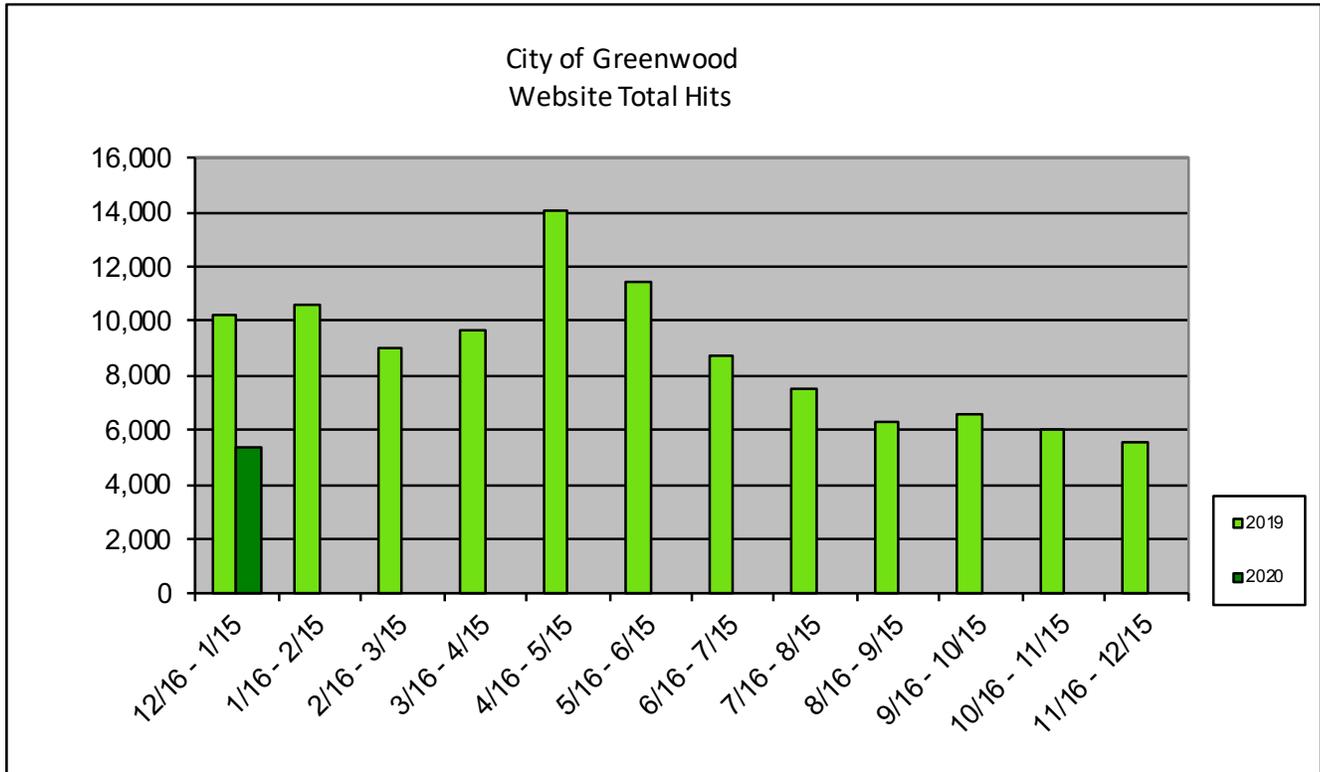
Agenda Number: **11A-E**

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.

Council Action: None required.



Month	2019	2020	Variance with Prior Month	Variance with Prior Year	Bulk Email List
12/16 - 1/15	10,255	5,355	-211	-4,900	176
1/16 - 2/15	10,576		-5,355	-10,576	175
2/16 - 3/15	9,038		0	-9,038	174
3/16 - 4/15	9,638		0	-9,638	174
4/16 - 5/15	14,074		0	-14,074	173
5/16 - 6/15	11,420		0	-11,420	173
6/16 - 7/15	8,766		0	-8,766	173
7/16 - 8/15	7,489		0	-7,489	173
8/16 - 9/15	6,326		0	-6,326	173
9/16 - 10/15	6,531		0	-6,531	173
10/16 - 11/15	6,049		0	-6,049	173
11/16 - 12/15	5,566		0	-5,566	173
AVERAGE	8,811	5,355			

POPULATION: 724
EMAIL ADDRESSES % OF POPULATION: 24.61%

Population source: 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

[Get Report](#)

Page Views by Section

Section	Page Views	Percent of Total
Default Home Page	1767	33%
Agendas, Minutes, Meeting Packets	625	11.67%
Welcome to Greenwood	300	5.6%
City Departments	277	5.17%
RFPs & Bids	243	4.54%
Planning Commission	191	3.57%
Code Book of Ordinances	168	3.14%
Assessments & Taxes	127	2.37%
Forms, Permits, Licenses	97	1.81%
Mayor & City Council	89	1.66%
Budget & Finances	88	1.64%
Community Surveys	76	1.42%
Garbage & Recycling	70	1.31%
Public Safety	68	1.27%
Photo Gallery	66	1.23%
Agendas, Minutes, Meetings	55	1.03%
Links	52	0.97%
St. Alban's Bay Lake Improvement District	51	0.95%
Spring Clean-Up Day	51	0.95%
Elections, Voting	48	0.9%
Lake Minnetonka	44	0.82%
Old Log Events	40	0.75%
Comp Plan	39	0.73%
Tree Contractors	38	0.71%
Watercraft Spaces	37	0.69%
Parks, Trails & Watercraft Amenities	37	0.69%
City Newsletters	35	0.65%
SABLID Email Sign-Up	33	0.62%
Email Sign-Up	32	0.6%
Toilet Drain Guide	32	0.6%
Coyotes & Animal Services	31	0.58%

Search Results	31	0.58%
Finances, Taxes, Assessments	31	0.58%
Fire Department	31	0.58%
Tour de Tonka	31	0.58%
Recreation, Amenities	30	0.56%
Sewer, Stormwater, Water, Garbage, Recycling	30	0.56%
News, Events	29	0.54%
Meetings	29	0.54%
Meetings on TV	28	0.52%
Luck O' the Lake	27	0.5%
Homesteading	26	0.49%
July 4th	25	0.47%
Emergency Preparedness	23	0.43%
Smoke Testing	23	0.43%
Well Water	21	0.39%
Christkindlsmarkt	16	0.3%
Library Events	14	0.26%
Sign up for City Emails	2	0.04%
Unsubscribe	1	0.02%
TOTAL	5355	100%

Unique IPs by Section

Section	Unique IPs	Percent of Total IPs
Default Home Page	855	27.86%
Agendas, Minutes, Meeting Packets	260	8.47%
City Departments	217	7.07%
Welcome to Greenwood	166	5.41%
Planning Commission	95	3.1%
Code Book of Ordinances	83	2.7%
Assessments & Taxes	75	2.44%
Mayor & City Council	71	2.31%
Forms, Permits, Licenses	69	2.25%
Public Safety	56	1.82%
Photo Gallery	54	1.76%
Garbage & Recycling	51	1.66%
Budget & Finances	47	1.53%
Agendas, Minutes, Meetings	43	1.4%
St. Alban's Bay Lake Improvement District	40	1.3%
Elections, Voting	39	1.27%
Community Surveys	37	1.21%
Links	36	1.17%
Lake Minnetonka	33	1.08%
Tree Contractors	33	1.08%
RFPs & Bids	32	1.04%
City Newsletters	32	1.04%
Old Log Events	32	1.04%
SABLID Email Sign-Up	30	0.98%
Spring Clean-Up Day	30	0.98%
Sewer, Stormwater, Water, Garbage, Recycling	29	0.94%
Fire Department	28	0.91%
Watercraft Spaces	28	0.91%
Coyotes & Animal Services	27	0.88%
Toilet Drain Guide	27	0.88%
Email Sign-Up	27	0.88%
Parks, Trails & Watercraft Amenities	27	0.88%
Finances, Taxes, Assessments	27	0.88%
Meetings	27	0.88%
News, Events	27	0.88%
Tour de Tonka	26	0.85%
Recreation, Amenities	26	0.85%

Comp Plan	26	0.85%
Meetings on TV	24	0.78%
July 4th	23	0.75%
Luck O' the Lake	23	0.75%
Homesteading	22	0.72%
Emergency Preparedness	21	0.68%
Well Water	20	0.65%
Search Results	19	0.62%
Smoke Testing	19	0.62%
Christkindlsmarkt	14	0.46%
Library Events	14	0.46%
Sign up for City Emails	1	0.03%
Unsubscribe	1	0.03%
TOTAL	3069	100%

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

Done



Agenda Number: **FYI**

Agenda Item: FYI Items in Council Packet

Summary: The attached items are included in the council packet for the council's information (FYI) only. FYI items typically include planning commission minutes and other items of interest to the council. When the agenda is approved at the beginning of the meeting, any council member may request to move an FYI item to the regular agenda for further discussion. Moved items will be placed under Other Business on the agenda.

Council Action: No council action is needed for FYI items.

GREENWOOD PLANNING COMMISSION
WEDNESDAY, 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.

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

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

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

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

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

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 the 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.

Respectfully Submitted,
Dale Cooney - Zoning Administrator