

# AGENDA

## Greenwood City Council Meeting

Wednesday, March 4, 2020

20225 Cottagewood Road, Deephaven, MN 55331



Hearing devices are available from the recording technician.

### Worksession

In accordance with open meeting laws, the worksession is open to the public for viewing, but there will be no opportunity for public participation.

- 6:00pm 1. CALL TO ORDER | ROLL CALL | APPROVE AGENDA
- 6:00pm 2. PRE-BOARD WORKSESSION WITH ASSESSORS
- 6:55pm 4. ADJOURNMENT

**Regular Meeting** The public is invited to speak when items come up on the agenda (comments are limited to 3 minutes). The public may speak regarding other items during Matters from the Floor (see below).

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

- 7:01pm 2. CONSENT AGENDA

Consent Agenda items are considered to be routine and are approved through one motion with no discussion by the city council. Council members may remove any Consent Agenda item for discussion and separate consideration under Other Business.

- A. Approve: 02.05.20 City Council Meeting Minutes
- B. Approve: Jan Cash Summary Report
- C. Approve: Jan Certificates of Deposit Report
- D. Approve: Feb Verifieds, Check Register, Electronic Fund Transfers
- E. Approve: Mar Payroll Register
- F. Approve: Res 10-20, Planning Commission Appointments
- G. Approve: St. Alban's Bay Lake Improvement District Contribution
- H. Approve: Request for Proposals for Loose Weed Removal at City Docks and Meadville Launch

- 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: Mayor's Forum, 03.12.20, 7pm, Southshore Community & Event Center, 5735 Country Club Rd, Shorewood, MN 55331

- NONE 5. PUBLIC HEARINGS

- NONE 6. ACTION RELATED TO PUBLIC HEARINGS

- 7:11pm 7. PLANNING, ZONING & SUBDIVISION ITEMS

- A. Consider: Res 07-20, Conditional Use Permit Findings (grading and retaining walls) and Res 08-20 Variance Findings (accessory structure and patio), Precision Builders, LLC for 21750 Byron Circle
- B. 1st Reading: Ord 299, Amending Section 1140.10 Subd 2(C) Lake Setbacks for Accessory Structures; Res 11-20, Summary of Ord 299 for Publication

- NONE 8. UNFINISHED BUSINESS

- 7:40pm 9. NEW BUSINESS

- A. 1st Reading: Ord 298, Amending Construction Management Ordinance Section 305, Subd 1(b), Regarding Construction Hours
- B. Discuss: Met Council's Comments re: Greenwood's 2040 Comp Plan

- NONE 10. OTHER BUSINESS

- 8:00pm 11. COUNCIL REPORTS

- A. Conrad: Planning Commission
- B. Cook: LMCD, SABLID, Public Works Committee
- C. Fletcher: LMCC, Fire, Administrative Committee
- D. Kind: Police, Administrative Committee, Public Works Committee, Mayors' Meetings, Website
- E. Roy: Minnetonka Community Education

- 8:20pm 12. ADJOURNMENT



# Worksession

Agenda Date: 03-04-20

Prepared by Deb Kind

## Agenda Item: Pre-Board Worksession with Assessors

**Summary:** Representatives from the Hennepin County Assessors Office will attend the 6pm worksession on 03-04-20 to discuss assessment valuations in preparation for the Local Board of Appeal & Equalization meeting which convenes on Thursday, 04-16-20 at 6pm.

**Background & Process:** Each spring property owners receive a notice of their property's estimated market value (EMV) from Hennepin County. The 2020 EMVs will be used to calculate 2021 property taxes.

The assessor does not "get more \$\$\$" for the county, school, or city by increasing property values. **These entities get whatever \$\$\$ they put in their budgets as revenue they will collect via their tax levy, and this amount will be collected whether property values increase or decrease.** The assessed property values are simply used to determine how the tax levies are divided among property owners. An individual property's share of the tax levies may shift if an individual property's value goes up or down more in comparison to other properties. This is why it is important to make sure valuations are fair.

EMVs are supposed to be between 90% and 105% of what the property would sell for and should be in alignment with similar properties in the area. If property owners believe their EMV is incorrect, they are encouraged to appeal their EMV. Here is the process:

1. Contact the city's assessor (Mike Smerdon 952.249.4641). Concerns often are addressed at this level.
2. If concerns are not resolved after contacting the assessor, property owners may write a letter to the Local Board of Appeal & Equalization (LBAE) OR appear before the LBAE in person. Call 952.474.6633 by Friday 04.10.20 to get on the agenda. Note: The City Council functions as the LBAE. The LBAE convenes at 6pm on Thursday 04.16.20 and may make final decisions at that time. If more time is needed, the LBAE may recess and reconvene at 6pm on Thursday 04.23.20 to make final decisions.

Greenwood Local Board of Appeal & Equalization  
20225 Cottagewood Road  
Deephaven, MN 55331

3. If concerns are not resolved after contacting the LBAE, cases may be brought to the County Board of Appeal & Equalization (CBAE) in June. You must call 612.348.7050 by Wednesday 05.20.20 to get on the CBAE agenda. Note: To appear before the CBAE, **property owners must first contact the LBAE in person or by mail.**
4. The final avenue of appeal would be to petition the Minnesota Tax Court. All appeals for tax court must be filed on or before **April 30** of the year the tax becomes payable. For more information, visit <http://www.taxcourt.state.mn.us>

**For the Council and Public's Reference:** The below documents are attached and posted at [greenwoodmn.com](http://greenwoodmn.com). These documents show the relationship between property values and property tax rates.

1. [Tax Capacity Formula & Tax Rate Comparison for Taxes Payable 2020](#)
  - a. Shows how properties with the same value pay different amount of taxes based on the city it is located in.
  - b. An interactive version of this document is available at [greenwoodmn.com](http://greenwoodmn.com). You can plug in your 2019 assessed property value to calculate your 2020 property taxes and see how much you pay compared to people in other cities who have the same value property.
  - c. This document will **NOT** work with 2020 valuations for calculating taxes to be collected in 2021.
2. [Tax Rate History](#)
  - a. Shows how tax rates decline when property values increase and vice versa.

**Council Action:** No council action may be taken at the worksession.



# TAX RATE HISTORY

Tax rates are calculated by taking the budgeted levy and dividing it by the total tax capacity derived from the estimated market values (EMVs) for all properties in a jurisdiction from the previous year.

If your EMV increases, it does NOT mean that your property taxes will increase by the same percentage. Instead, EMVs are used determine how budgeted tax levies are divided among taxpayers. The total budgeted tax levies will be collected whether EMVs increase or decrease, but your share of the tax levy pie may shift if your EMV goes up or down more in comparison to other properties. Greenwood's tax levy has had **zero** increases since 2010. Therefore, when ...

... Greenwood's EMVs **decreased** from 2009 to 2013, the city's tax rate **increased** from 2010 to 2014 to collect the same tax levy amount.

... Greenwood's EMVs **increased** from 2014 to 2019, the city's tax rate **decreased** from 2015 to 2020 to collect the same tax levy amount.

	<b>2010</b> Tax Rates Based on 2009 EMVs	<b>2011</b> Tax Rates Based on 2010 EMVs	<b>2012</b> Tax Rates Based on 2011 EMVs	<b>2013</b> Tax Rates Based on 2012 EMVs	<b>2014</b> Tax Rates Based on 2013 EMVs	<b>2015</b> Tax Rates Based on 2014 EMVs	<b>2016</b> Tax Rates Based on 2015 EMVs	<b>2017</b> Tax Rates Based on 2016 EMVs	<b>2018</b> Tax Rates Based on 2017 EMVs	<b>2019</b> Tax Rates Based on 2018 EMVs	<b>2020</b> Tax Rates Based on 2019 EMVs
<b>Hennepin County</b>	41.945%	45.840%	48.231%	49.461%	49.959%	46.398%	45.356%	44.087%	43.177%	41.861%	46.398%
<b>Mtka School Dist</b>	18.657%	21.274%	23.015%	24.487%	24.374%	25.093%	22.887%	22.770%	23.124%	21.209%	25.093%
<b>Greenwood</b>	17.936%	19.107%	20.336%	20.897%	22.246%	19.819%	18.963%	17.033%	16.089%	15.590%	14.314%

Source: [www.hennepin.us](http://www.hennepin.us), Taxing District Information, Tax Rate Cards

The above chart does not include school district referendum tax rates and misc tax rates.

Updated 02.10.20



**Agenda Item:** Consent Agenda

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

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

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

# GREENWOOD CERTIFICATES OF DEPOSIT

**Report Date**      **1/31/20**

<b>Acct #</b>	<b>Bank</b>	<b>Date</b>	<b>Term</b>	<b>Maturity</b>	<b>Rate</b>	<b>Amount</b>
x237	Bridgewater Bank	11/08/18	18 Month	05/08/20	2.48%	\$ 134,088.36
x238	Bridgewater Bank	05/08/18	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	05/08/18	18 Month	05/08/21	1.59%	\$ 134,120.50
x242	Bridgewater Bank	05/08/18	24 Month	03/08/20	2.08%	\$ 134,120.50
<b>TOTAL</b>						<b>\$ 803,941.58</b>

*CITY COUNCIL POLICY*

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

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

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

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

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

# MINUTES

## Greenwood City Council Meeting

Thursday, February 5, 2020  
20225 Cottagewood Road, Deephaven, MN 55331



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

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

Members Present: Mayor Kind; Councilmembers Kristi Conrad (left at 7:53pm), Bill Cook, Tom Fletcher, Rob Roy  
Staff Members Present: City Zoning Administrator Dale Cooney

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

### 2. CONSENT AGENDA

- 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 Verifies, 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

**Motion by Kind to approve the consent agenda. Second by Cook. 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: Pre-Board Meeting with Assessors, Wed 03-04-20 6pm (preceding council meeting)

*View announcement at LMCC-TV.org.*

- 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

**The consensus of the city council was to change the date to 05-13-20, since Cook and Roy will be out of town on 03-11-20.**

### 5. PUBLIC HEARINGS

- A. None

### 6. ACTION RELATED TO PUBLIC HEARINGS

- A. None

### 7. PLANNING, ZONING & SUBDIVISION ITEMS

- A. Consider: Res 09-20, Findings for Final Plat "Benning Addition" Subdivision, James and Jessica Benning, 21915 Fairview Street

**Motion by Fletcher that the city council (1) 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; (2) directs the city clerk to mail a copy of the findings to the applicant and the DNR, and place an Affidavit of Mailing for each of the mailings in the property file. Second by Roy. Motion passed 5-0.**

- 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

Mike Peterson, Precision Builders, 4551 Oak Chase, Eagan, MN, spoke on behalf of the applicant. He handed out packets to the city council with photos and drawings showing existing and proposed plans. He requested that the city council give direction regarding the submitted conceptual drawings.

Roland Aberg, Licensed Landscape Architect, 3175 CR 24, Long Lake, MN, spoke on behalf of the applicant. He walked the city council through the rationale behind the submitted conceptual drawings.

**Motion by Fletcher that the city council directs city staff to exercise the city's option to take 60 additional days to process the variance 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 to allow the applicant time to bring a more refined revised plan to the planning commission for their review and recommendation. Second by Cook. Motion passed 5-0.**

8. UNFINISHED BUSINESS

A. None

9. NEW BUSINESS

A. None

10. OTHER BUSINESS

A. None

11. COUNCIL REPORTS

A. Conrad: Planning Commission

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

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

**Motion by Fletcher to authorize the mayor to send a letter of support for continued zebra mussel research on St. Alban's Bay in 2020 at an appropriate time. Second by Roy. Motion passed 4-0.**

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 8:03pm. Second by Cook. Motion passed 4-0.**

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

Check Issue Date(s): 02/01/2020 - 02/29/2020

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
01/20	02/06/2020	11407	900	VOID - METRO CITIES	101-20100	3.81 -M
02/20	02/07/2020	11413	900	METRO CITIES	101-20100	381.00
02/20	02/12/2020	11414	51	BOLTON & MENK, INC.	602-20100	2,184.00
02/20	02/12/2020	11415	9	CITY OF DEEPHAVEN	101-20100	9,906.54
02/20	02/12/2020	11416	822	ECM PUBLISHERS INC	101-20100	101.15
02/20	02/12/2020	11417	850	KENNEDY, GRAVEN, CHARTERED	101-20100	550.17
02/20	02/12/2020	11418	105	METRO COUNCIL ENVIRO SERVICES	602-20100	2,774.73
02/20	02/12/2020	11419	38	SO LAKE MINNETONKA POLICE DEPT	101-20100	16,924.58
02/20	02/12/2020	11420	868	ST ALBANS BAY LAKE IMPROVEMENT	101-20100	79.47
02/20	02/12/2020	11421	145	XCEL ENERGY	101-20100	453.08
Totals:						<u>33,350.91</u>

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

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

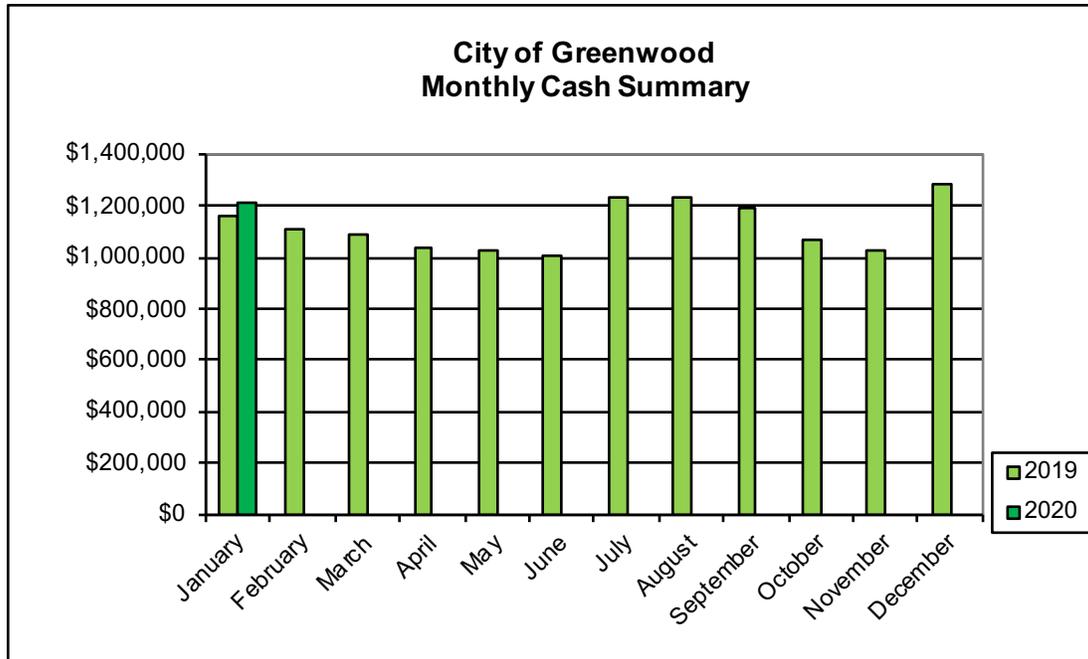
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City Recorder: \_\_\_\_\_

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
<b>BOLTON &amp; MENK, INC.</b>					
51	BOLTON & MENK, INC.	0244503	2019 DEVELOPMENT REVIEW	12/31/2019	726.00
		0244504	2019 I & I REVIEW	12/31/2019	86.00
		0244505	2019 MISC DRAINAGE	12/31/2019	214.00
		0244734	2019 SEWER PROJECT	12/31/2019	1,158.00
Total BOLTON & MENK, INC.					2,184.00
<b>CITY OF DEEPHAVEN</b>					
9	CITY OF DEEPHAVEN	FEB 2020	RENT & EQUIPMENT	02/12/2020	487.45
			Postage		41.20
			COPIES		202.50
			OFFICE SUPPLIES		32.25
			SNOW PLOWING/SANDING/SALT		4,240.88
			Clerk Services		4,283.10
			ZONING		619.16
Total CITY OF DEEPHAVEN					9,906.54
<b>ECM PUBLISHERS INC</b>					
822	ECM PUBLISHERS INC	755844	LEGAL NOTICE	01/30/2020	47.60
		755845	LEGAL NOTICE	01/30/2020	53.55
Total ECM PUBLISHERS INC					101.15
<b>KENNEDY, GRAVEN, CHARTERED</b>					
850	KENNEDY, GRAVEN, CHARTERED	DEC 2019	LEGAL SERVICES	12/31/2019	550.17
Total KENNEDY, GRAVEN, CHARTERED					550.17
<b>METRO CITIES</b>					
900	METRO CITIES	469A	2020 METRO CITIES DUES	02/01/2020	381.00
Total METRO CITIES					381.00
<b>METRO COUNCIL ENVIRO SERVICES</b>					
105	METRO COUNCIL ENVIRO SERV	0001106050	Monthly wastewater Charge	02/07/2020	2,774.73
Total METRO COUNCIL ENVIRO SERVICES					2,774.73
<b>SO LAKE MINNETONKA POLICE DEPT</b>					
38	SO LAKE MINNETONKA POLICE	FEB 2020	Hennepin Co. Processing Fees	02/03/2020	243.00
			2020 OPERATING BUDGET		16,681.58
Total SO LAKE MINNETONKA POLICE DEPT					16,924.58
<b>ST ALBANS BAY LAKE IMPROVEMENT</b>					
868	ST ALBANS BAY LAKE IMPROVE	JAN 2020	SPECIAL ASSMT REV	01/23/2020	79.47
Total ST ALBANS BAY LAKE IMPROVEMENT					79.47
<b>XCEL ENERGY</b>					
145	XCEL ENERGY	670486952	LIFT STATION #1	01/27/2020	48.28
		670669518	Sleepy Hollow Road *	01/28/2020	8.61
		671418447	Street Lights *	02/03/2020	396.19
Total XCEL ENERGY					453.08

Total Paid:	33,354.72
Total Unpaid:	<u>-</u>
Grand Total:	<u><u>33,354.72</u></u>



	2019	2020	Variance with Prior Month	Variance with Prior Year
January	\$1,160,255	\$1,212,136	-\$75,983	\$51,881
February	\$1,113,218	\$0	-\$1,212,136	-\$1,113,218
March	\$1,093,116	\$0	\$0	-\$1,093,116
April	\$1,035,438	\$0	\$0	-\$1,035,438
May	\$1,030,665	\$0	\$0	-\$1,030,665
June	\$1,001,314	\$0	\$0	-\$1,001,314
July	\$1,235,754	\$0	\$0	-\$1,235,754
August	\$1,229,599	\$0	\$0	-\$1,229,599
September	\$1,196,210	\$0	\$0	-\$1,196,210
October	\$1,071,209	\$0	\$0	-\$1,071,209
November	\$1,031,949	\$0	\$0	-\$1,031,949
December	\$1,288,119	\$0	\$0	-\$1,288,119

Bridgewater Bank Checking	\$31,810
Bridgewater Bank Money Market	\$376,384
Bridgewater Bank CD's	\$803,942
	<b>\$1,212,136</b>

**ALLOCATION BY FUND**

General Fund	\$439,201
Special Project Fund	\$8,406
General Fund Designated for Parl	\$26,311
Bridge Capital Project Fund	\$171,244
Road Improvement Fund	\$35,068
Stormwater Fund	\$41,195
Sewer Enterprise Fund	\$367,408
Marina Enterprise Fund	\$123,303
	<b>\$1,212,136</b>

Pay Per Date	Jrnl	Check Date	Check Number	Payee	Emp No	Description	GL Account	Amount
03/01/20	PC	03/01/20	3012001	CONRAD, KRISTI	39		001-10101	289.97
03/01/20	PC	03/01/20	3012002	COOK, WILLIAM B.	37		001-10101	289.97
03/01/20	PC	03/01/20	3012003	Fletcher, Thomas M	33		001-10101	189.97
03/01/20	PC	03/01/20	3012004	Kind, Debra J.	34		001-10101	434.95
03/01/20	PC	03/01/20	3012005	ROY, ROBERT J.	38		001-10101	289.97
Grand Totals:								<u>1,494.83</u>

## Resolution 10-20 – City of Greenwood 2020 Appointments & Assignments

Be it resolved that the city council of Greenwood, Minnesota approves the following appointments and assignments for 03-04-20 through 01-01-21.

OFFICE & DESIGNATIONS	2019 HOLDER	2020 HOLDER
Administrative Committee	Deb Kind, Tom Fletcher	Deb Kind, Tom Fletcher
Accountant	CliftonLarsonAllen	CliftonLarsonAllen
Animal Enforcement Officer	South Lake Police Department	South Lake Police Department
Assessor	Hennepin County	Hennepin County
Attorney	Bob Vose	Bob Vose
Attorney - Conduit Financing Projects	Jennifer Hanson	Jennifer Hanson
Attorney - Prosecutor	Ken Potts	Ken Potts
Bank Signatures	Kind, Fletcher, Courtney	Kind, Fletcher, Courtney
Building Official	Lenny Rutledge (City of Minnetonka)	Lenny Rutledge (City of Minnetonka)
City Administrator	Deb Kind	Deb Kind
City Clerk	Dana Young	Dana Young
Depositories	Bridgewater Bank, Allerus Bank	Bridgewater Bank, Allerus Bank
Engineer	Bolton & Menk (Dave Martini)	Bolton & Menk (Dave Martini)
Fire Board Representative – 4th Wednesdays (Jan, Mar, May, Jul, Sep, Nov)	Tom Fletcher, Rob Roy (alt.)	Tom Fletcher, Rob Roy (alt.)
Forester / Certified Tree Inspector	Manuel Jordan	Manuel Jordan
Lake Minnetonka Communications Commission (LMCC) Representative - 2 reps (1 elected official), meets 2nd Thursdays (Feb, Apr, May, Jul, Aug, Oct, Dec)	Tom Fletcher, Deb Kind	Tom Fletcher, Deb Kind
Lake Minnetonka Conservation District (LMCD) Rep - 2nd & 4th Wednesdays	Bill Cook (3yr term expires 1/31/20)	Bill Cook (3yr term expires 1/31/23)
Marina Clerk	Dana Young	Dana Young
Mayor Pro-Tem	Tom Fletcher	Tom Fletcher
Minnetonka Community Education (MCE) Advisory Council Representative – meets 5 Mondays (Jan, Mar, May, Oct, Nov)	Rob Roy	Rob Roy
Newspapers	Sun-Sailor Finance & Commerce (alternate) Star Tribune (alternate)	Sun-Sailor Finance & Commerce (alternate) Star Tribune (alternate)
Planning Commissioners and City Council Liaison – 3rd Wednesdays	A-1 Dean Barta (6/18-3/20)	A-1 Vacant (__-3/22)
	A-2 David Steingas (10/16-3/20)	A-2 David Steingas (10/16-3/22)
	A-3 Kelsey Nelson (11/18-3/20)	A-3 Kelsey Nelson (11/18-3/22)
	B-1 Pat Lucking (2/01-3/21)	B-1 Pat Lucking (2/01-3/21)
	B-2 Vacant (__-3/21)	B-2 Julie Getchell (1/20-3/21)
	Alt-1 Vacant (__-3/20)	Alt-1 Vacant (__-3/22)
	Alt-2 Vacant (__-3/21)	Alt-2 Vacant (__-3/21)
	Alt-3 Kristi Conrad (council liaison)	Alt-3 Kristi Conrad (council liaison)
Public Safety City Administrator Representative (police and fire)	Dana Young	Dana Young
Public Works Committee (roads, sewer, stormwater, etc.)	Deb Kind, Bill Cook	Deb Kind, Bill Cook
Responsible Authority (Govt. Data Practices Act)	Dana Young	Dana Young
St. Alban's Bay Lake Improvement District Ex-Officio Director	Bill Cook	Bill Cook
South Lake Minnetonka Police Department (SLMPD) Coordinating Committee Representative (must be mayor, meets quarterly)	Deb Kind, Tom Fletcher (alt.)	Deb Kind, Tom Fletcher (alt.)
Treasurer	Mary Courtney	Tracy Gustafson
Utility Billing Clerk	Deborah Hicks	Deborah Hicks
Weed Inspector (must be mayor), Assistant Weed Inspector	Deb Kind, John Menzel (assistant)	Deb Kind, John Menzel (assistant)
Zoning Administrator	Dale Cooney	Dale Cooney

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

**ADOPTED** by the city council of the city of Greenwood, Minnesota this 4th day of March, 2020.

There were \_\_ AYES and \_\_ NAYS.

By: \_\_\_\_\_  
Debra J. Kind, Mayor, City of Greenwood

Attest: \_\_\_\_\_  
Dana H. Young, City Clerk, City of Greenwood



**Agenda Number: 2G**

**Agenda Date: 03-04-20**

*Prepared by Deb Kind*

**Agenda Item:** Annual Contribution for St. Alban's Bay Aquatic Invasive Species Treatment

**Summary:** The city's 26 dock slips are located on St. Alban's Bay, so each year the city council authorizes a contribution from the city's marina fund for bay-wide treatment of aquatic invasive species in St. Alban's Bay. The 2020 city budget includes a \$2500 contribution from the marina fund for this purpose.

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

I move the council approves disbursement of \$2500 from the marina fund for St. Alban's Bay aquatic invasive species treatment and directs the city treasurer to send the funds to the St. Alban's Bay Lake Improvement District, managers of the treatment program.



**Agenda Number: 2H**

**Agenda Date: 03-04-20**

*Prepared by Deb Kind*

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

**Summary:** In 2019, the city council contracted with the lake weed removal company that provided the best "per 6cf wheelbarrow" rate to remove floating weeds at the city docks and at the Meadville Launch.

**Council Action:** Council action is required to secure bids for 2020. Consent agenda motion ...

I move the council directs the city clerk to secure bids for a "per 6cf wheelbarrow" rate for ongoing removal of loose weeds that accumulate by the city docks and at the Meadville Launch.



Agenda Number: **7A**

Agenda Date: **03-04-20**

Prepared by *Deb Kind*

**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

**Background:** 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 findings.

**01-09-20 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.

**02-05-20 City Council Action:** 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 were not suitable for decision-making purposes but may be appropriate for discussion purposes in order to provide the applicant input. At the 02-02-20 meeting, the city council approved the following motion:

Motion by Fletcher that the city council directs city staff to exercise the city's option to take 60 additional days to process the variance 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 to allow the applicant time to bring a more refined revised plan to the planning commission for their review and recommendation. Second by Cook. Motion passed 5-0.

**02-12-20 Planning Commission Action:** The planning commission recommended approval of the revised landscaping proposal as submitted on a 3-0 vote. The commission didn't object to the 2-foot retaining wall that encroaches into the 50-foot setback as the plan would remove all other retaining walls within the setback area. In addition, the 2:1 slope that is provided by the installation of the retaining walls allows for native plantings and would help to prevent erosion of the hillside. See the 02-12-20 planning commission minutes in the FYI section of the packet for the discussion.

**At the 03-04-20 City Council Meeting,** the council will consider action on the requests. For the council's reference, the following items are attached: application, city engineer's comments regarding the original plan (engineer comments regarding the new plan will be available at the 03-04-20 meeting), a narrative from the applicant, photos of existing conditions, site plan showing existing conditions, sketch of new plan, site plan showing existing and proposed conditions together, new grading plan, and drawings showing the conceptual planting plan and lakeside view.

The applicant's narrative implies there is no longer a need for the variance requests since the underground storage and terrace within the 50-foot setback have been eliminated from the plan. However, the city has not received official written notice withdrawing the variance requests. Therefore, the council **must** take action on the variance requests before the 04-17-20 deadline.

Attached are findings for the CUP requests and for the variance requests based on staff's recommendations, planning commission discussion, and engineering comments.

**Key Dates:**

Application Complete:	December 19, 2019
Notice of Public Hearing Published:	December 21, 2019
Planning Commission Public Hearing:	January 9, 2020
City Council Discussion:	February 5, 2020
2nd Planning Commission Review:	February 12, 2020
60-Day Deadline:	February 17, 2020
City Council Consideration:	March 4, 2020
120-Day Deadline:	April 17, 2020

**Council Action:** The city council has exercised the option to take an additional 60 days and **must** take action by 04-17-20 unless the applicant grants an extension in writing. Potential motions ...

1. I move the city council (1) adopts resolution 07-20 laying out the findings of fact as written / as revised per the council discussion **APPROVING** the conditional use permit requests of Cory and Denae Martilla, 21750 Byron Circle, to install retaining walls within the lake yard setback and to regrade the lake yard area; (2) adopts resolution 08-20 laying out the findings of fact as written / as revised per the council discussion **DENYING** variance requests to place an accessory structure and patio within the lake yard setback and to place a structure within a bluff impact zone; and (3) directs the city clerk to mail a copy of the findings to the applicant and the DNR, and place an Affidavit of Mailing for each of the mailings in the property file.
2. I move the city council (1) directs staff to draft **FINDINGS FOR DENIAL** for the conditional use permit requests of Cory and Denae Martilla, 21750 Byron Circle, to be considered at the April 1, 2020 city council meeting; (2) adopts resolution 08-20 laying out the findings of fact as written / as revised per the council discussion **DENYING** variance requests to place an accessory structure and patio within the lake yard setback and to place a structure within a bluff impact zone; and (3) directs the city clerk to mail a copy of the findings to the applicant and the DNR, and place an Affidavit of Mailing for each of the mailings in the property file.
3. Other motion ???

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

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](http://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](http://www.greenwoodmn.com)). The council may impose such conditions and safeguards upon the premises benefited by a conditional use permit as may be necessary to maintain compatibility with other properties in the neighborhood. Examples of conditions include, but are not limited to: controlling size and location of use, regulating ingress and egress, controlling traffic flow, regulating off-street parking and loading areas, location of utilities, berming, fencing, screening, landscaping, restricting hours of operation, controlling noise, controlling lighting, controlling odors, and compatibility of appearance. Violation of such conditions and safeguards, when made part of the terms under which the conditional use permit is granted, shall be deemed a violation of this ordinance and punishable under section 1180 et seq.

Please answer each of the below questions:

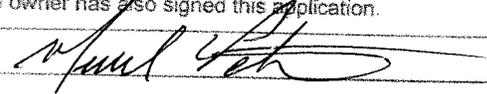
Will the proposed use comply with the regulations specified in the ordinance for the district in which the proposed use is to be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: Subject Property will Remain A Single Family Residential use. No changes.
Is the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

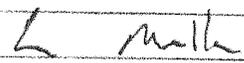
The applicant(s) contacted the following regulatory bodies and will seek approvals if required:

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

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

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

**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.

Is the variance in harmony with the purposes and intent of the ordinance?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: <i>NO CHANGE IN USE</i>
Is the variance consistent with the comprehensive plan?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: <i>proposal presents the best solution for required Repair + Replacement of existing.</i>
Does the proposal put the property to use in a reasonable manner?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: <i>NO CHANGE IN USE</i>
Are there unique circumstances to the property not created by the landowner?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: <i>Steep hillside limits access between home + Lake, please see Attached Narrative</i>
Will the variance alter the essential character of the locality?	<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>
Will the variance impair an adequate supply of light and air to adjacent property?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: <i>no change</i>
Will the variance unreasonably increase the congestion in the public street?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: <i>no change</i>
Will the variance increase the danger of fire or endanger the public safety?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: <i>no change</i>
Will the variance unreasonably diminish or impair established property values within the neighborhood?	<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>

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

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



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

# Stormwater Management Plan

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

Property Owner(s)	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



Attached is a revised landscape sketch and notes for the Martilla's at 21750 Byron Circle. 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 original 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:

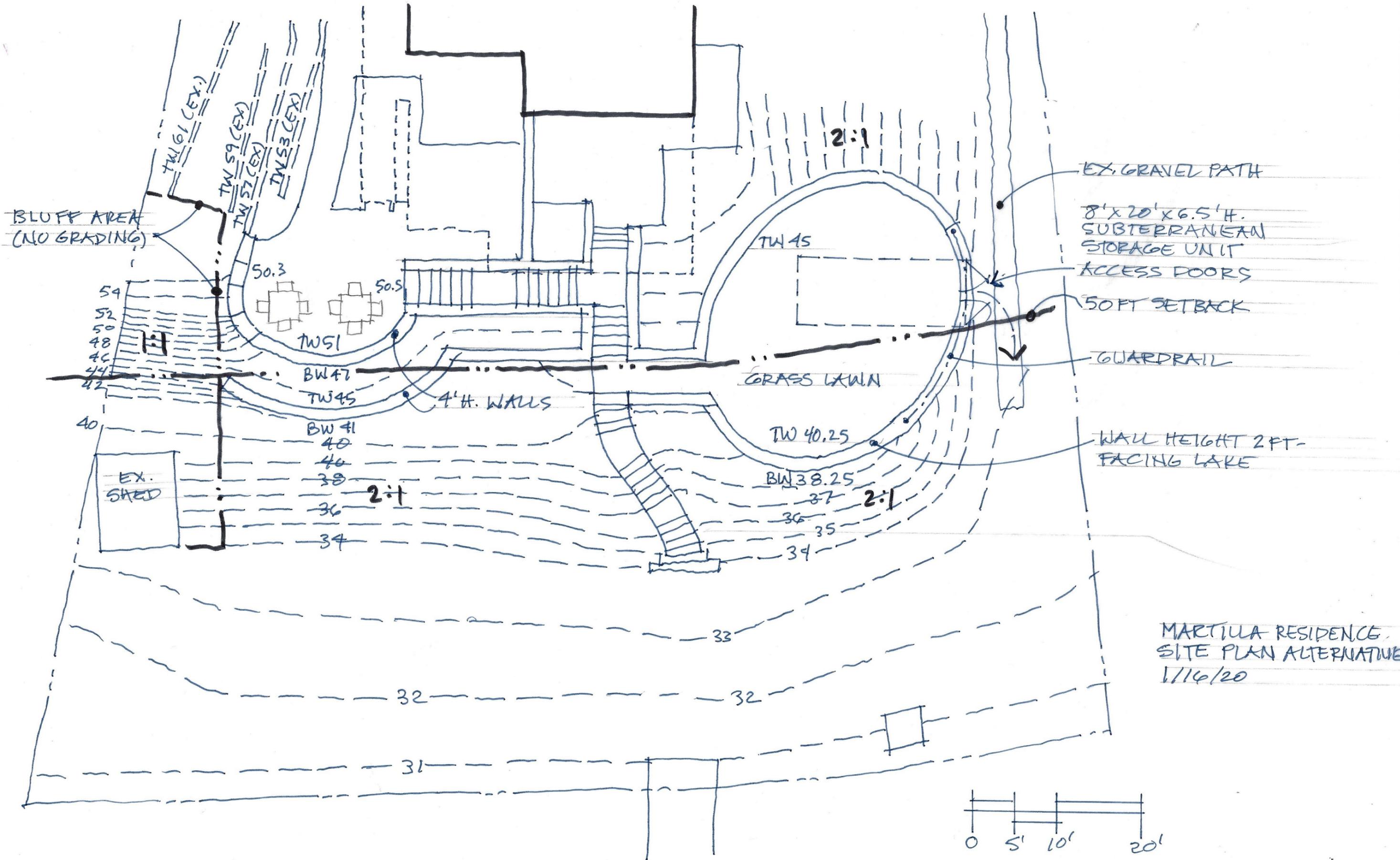
- Blend and refine the new landscape plan to existing elevations, minimizing grading impact both in the setback zone and out.
- Remove new walls from the bluff zone and only repair / replace existing in that area.
- Relocate south upper lobe area outside of bluff zone and move behind the 50' setback. 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.
- Create a sun garden with plantings surrounding the slope.
- 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.
- Replace the treeless, perennial ornamental flowering plantings of existing design with Native plantings and trees, blending well with surrounding properties on the north and south.

Inquiries: [Mike@PrecisionBuilders.us](mailto:Mike@PrecisionBuilders.us) or 651.330.2393  
Learn more at [PrecisionBuilders.us](http://PrecisionBuilders.us)

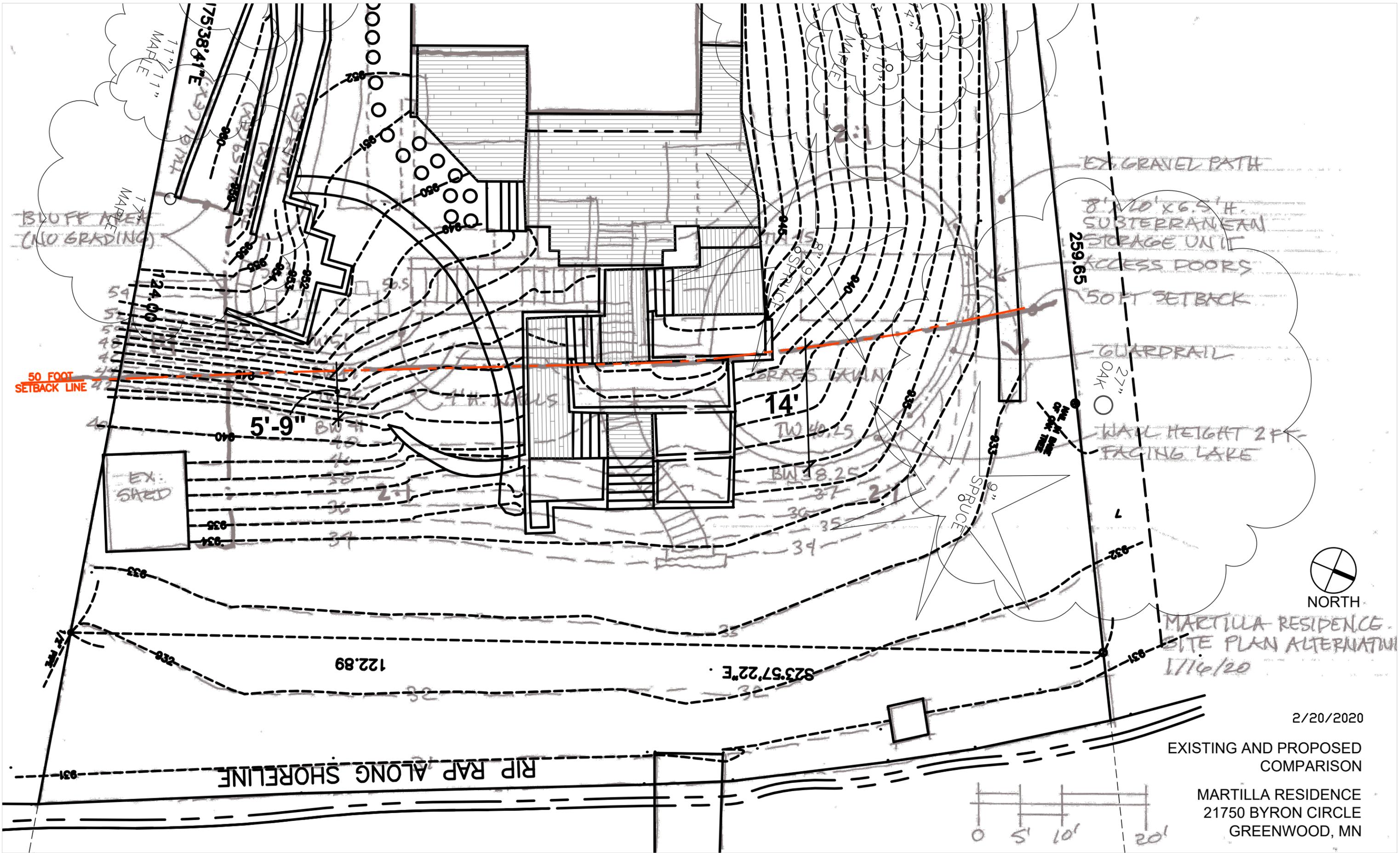








MARTILLA RESIDENCE  
 SITE PLAN ALTERNATIVE  
 1/16/20



BLUFF AREA  
(NO GRADING)

50 FOOT  
SETBACK LINE

EX. GRAVEL PATH

8' x 10' x 6.5' H.  
SUBTERRANEAN  
STORAGE UNIT

ACCESS DOORS

50 FT SETBACK

GUARDRAIL

WALL HEIGHT 2 FT-  
FACING LAKE



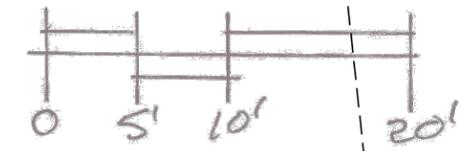
NORTH

MARTILLA RESIDENCE  
SITE PLAN ALTERNATIVE  
1/16/20

2/20/2020

EXISTING AND PROPOSED  
COMPARISON

MARTILLA RESIDENCE  
21750 BYRON CIRCLE  
GREENWOOD, MN



RIP RAP ALONG SHORELINE

175'38.41"E

11" MAPLE

11" MAPLE

124.00

5'-9"

14'

259.65

122.89

S23°57'22"E

EX. SHED

SPRUCE

1/2" OAK

27" OAK

54

51

50

48

47

46

45

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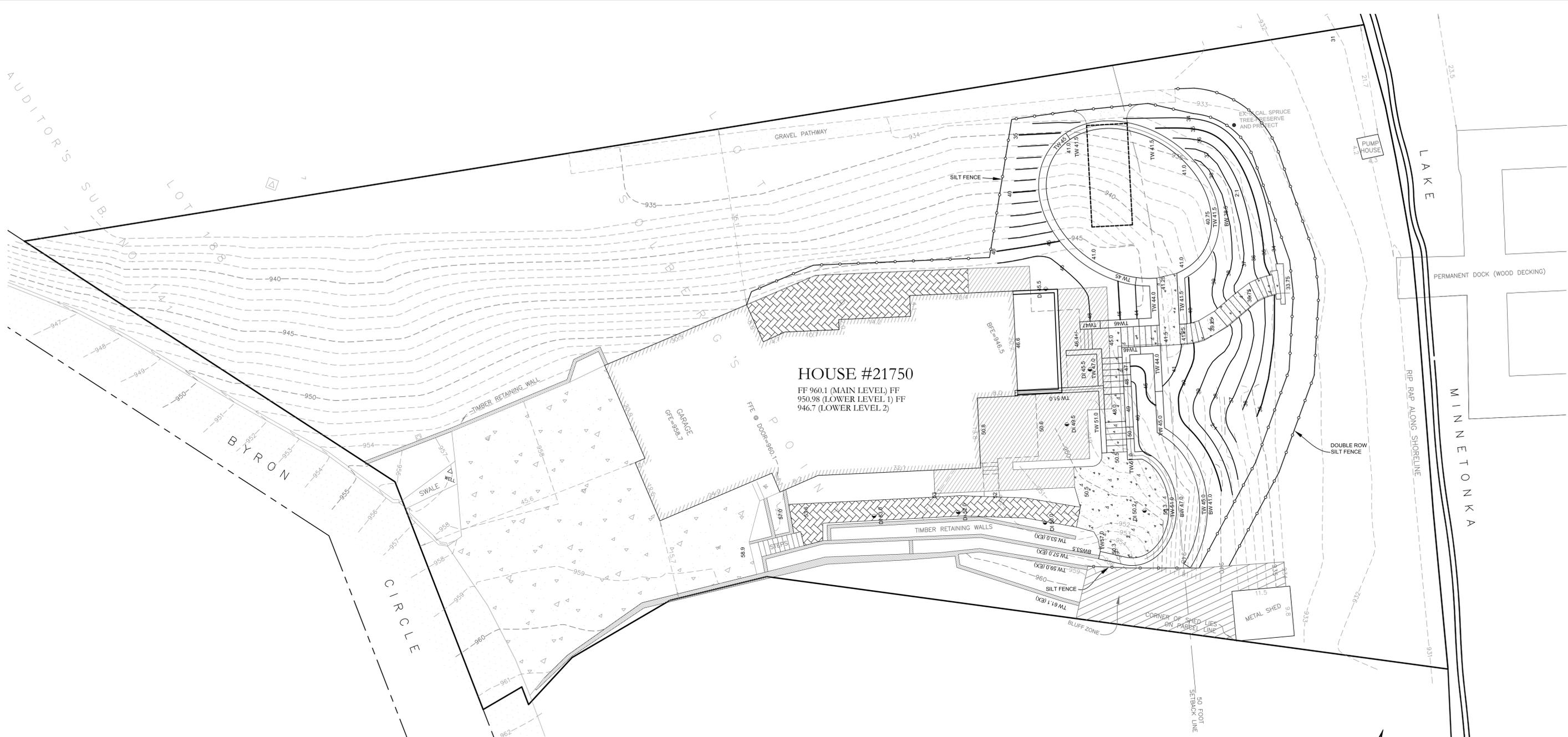
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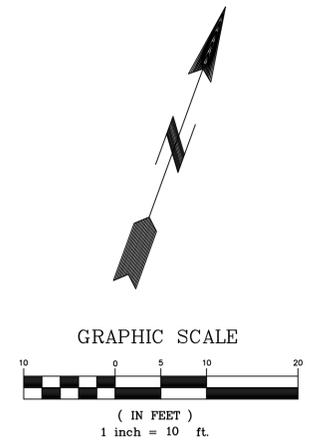
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**NOTES:**

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. 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.
5. 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.startkengineer.com  
920-249-2811  
Sauk Rapids, Minnesota

**STARK ENGINEERING**

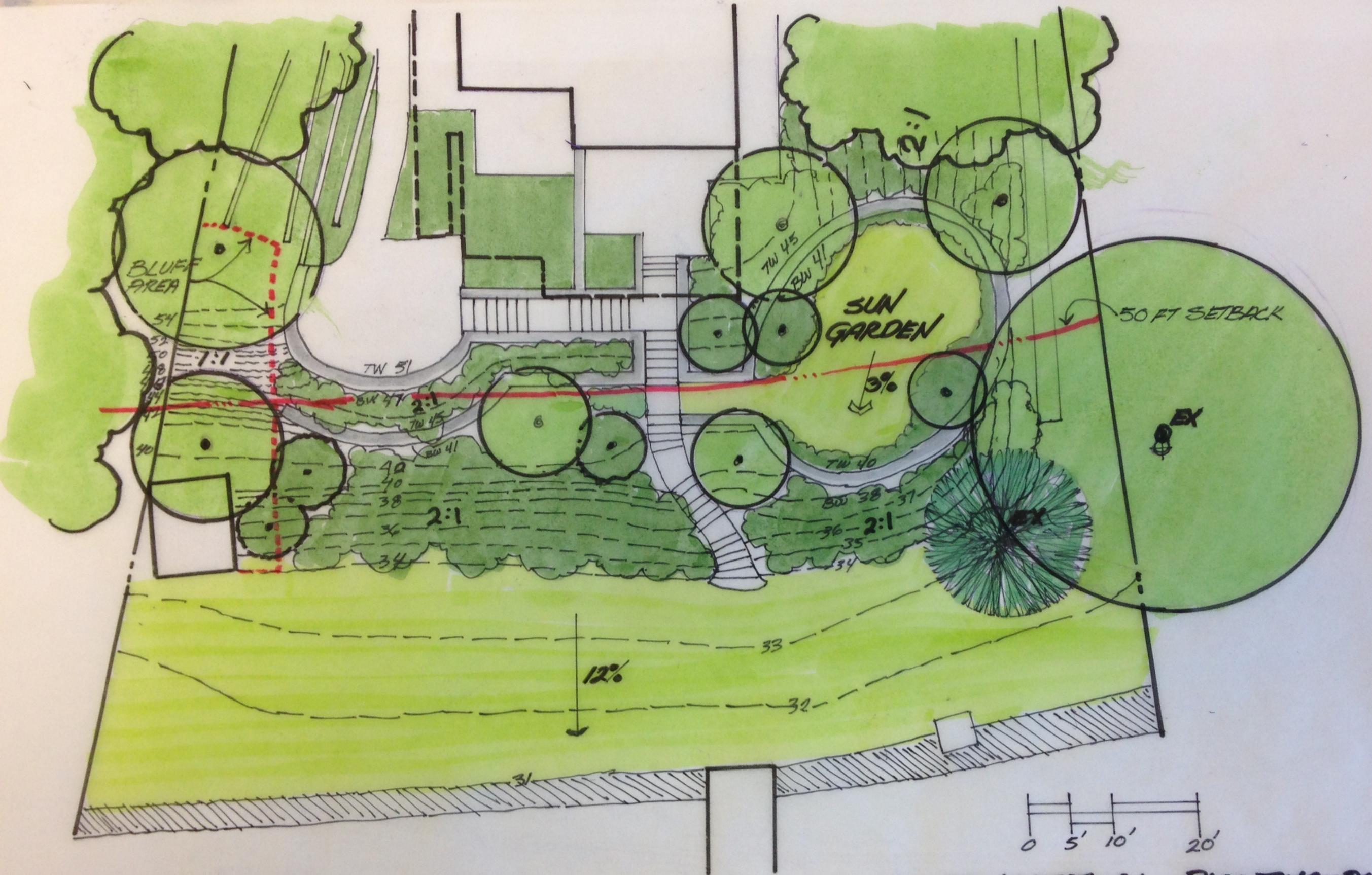
I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.  
Wayne C.B. Stark      Date      1/22/20      26093      Registration No.

REVISIONS	CITY REVIEW
1/22/20	

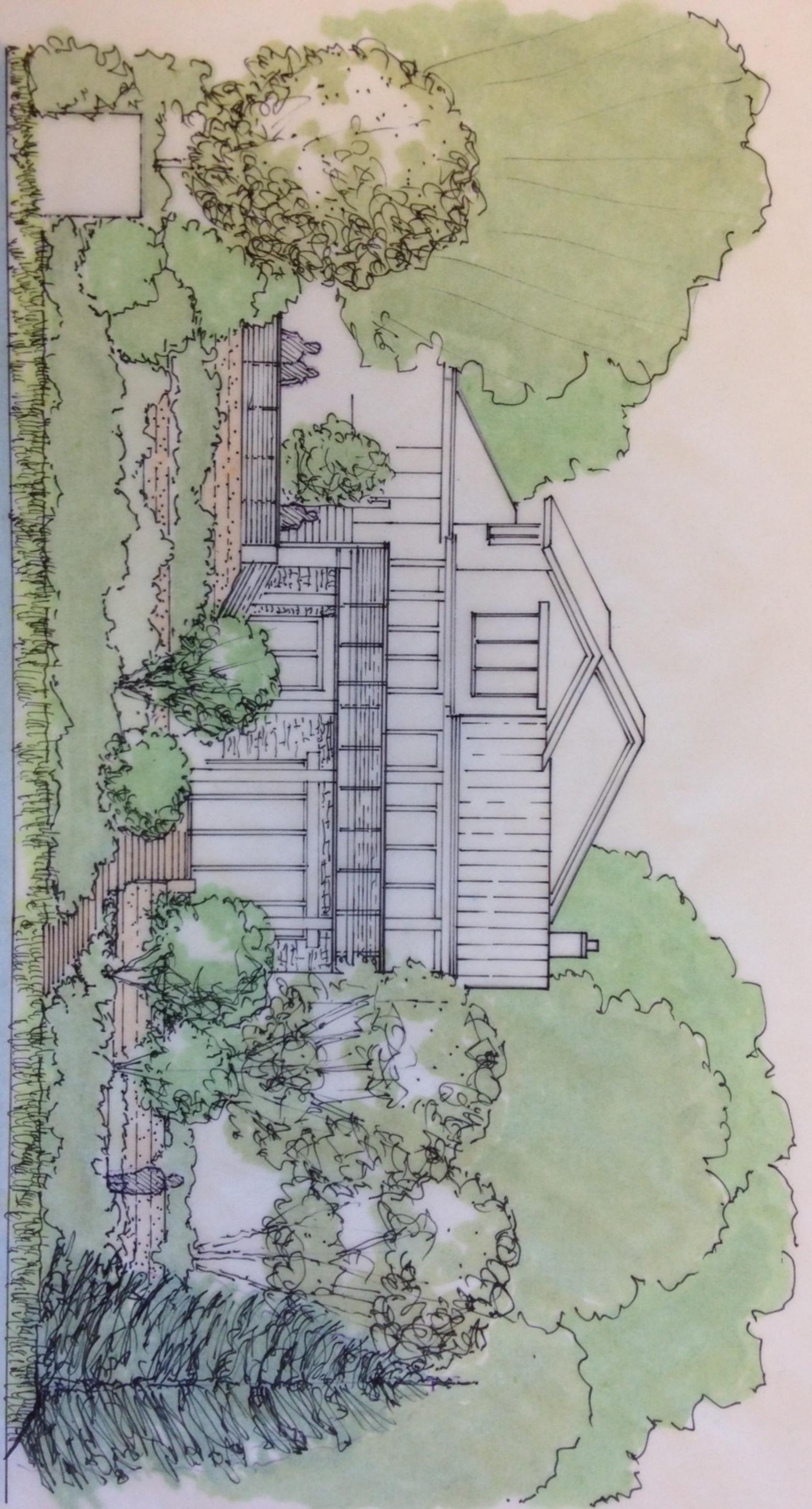
**GRADING & EROSION CONTROL PLAN**

MARTILLA RESIDENCE  
GREEN WOOD, MINNESOTA  
for:  
PRECISION BUILDERS

SHEET  
**C-2**  
OF 2 SHEETS



CONCEPTUAL PLANTING PLAN  
 MARTILLA RESIDENCE 2/10/20



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



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## APPROVING

the 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**, there was an opportunity for the public to comment in writing and in person at the public hearing held by the planning commission on January 9, 2020; and

**WHEREAS**, no public comments were submitted in writing or in person; and

**WHEREAS**, the city council received the staff report and the recommendation of the planning commission; and

**WHEREAS**, the city council considered the application and the comments of the applicant.

**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 2-foot high retaining wall within the shore setback.
4. Pursuant to Greenwood ordinance code section 1150.20, subd. 3, 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. Pursuant to Greenwood ordinance code section 1150.20, subd 1, the planning commission shall make findings and recommendations to the city council. The council may then authorize a conditional use by resolution.
6. The planning commission discussed the CUP request and on a 3-0 vote recommended the council approves the CUP requests based on the following findings pursuant to the CUP standards in Greenwood ordinance section 1150.20 subd 1:
  - (a) The proposed use will comply with the regulations specified for the R-1 zoning district.
  - (b) The use is one of the conditional uses permitted for the R-1 zoning district.
  - (c) The use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city since the impacts from regrading steep slope areas on the property may improve the stability of the bluffs and steep slopes of this property and / or adjacent properties. The plan removes the rotting existing retaining walls within the lake setback area. In addition, the 2:1 slope in the plan will allow for plantings to help prevent erosion of the hillside.
  - (d) The proposed use will be harmonious with the objectives 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 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.

## CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the city council acting as the Board of Appeals & Adjustments makes the following conclusions of law: The applicant has made an adequate demonstration of facts meeting the standards of sections 1125.05(3)(c) and 1150.20 necessary for the granting of a CUP.

**NOW, THEREFORE, BE IT RESOLVED** by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments that the city of Greenwood does hereby **APPROVES** the Conditional Use Permit for the subject property 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 a retaining wall within the shore setback zone, subject to the following conditions:

- (a) The project must be completed according to the specifications and design requirements in the grading plan, planting plan, and shoreland renderings included in the March 4, 2020 council packet.

- (b) The project must comply with the city engineer's requirements:
  - I. Perimeter erosion control measures must be installed and inspected by the city prior to any other work. A minimum of 24-hours notice is required prior to inspection.
  - II. Clear drive lanes must be maintained on Byron Circle at all times.
  - III. A Minnehaha Creek Watershed District permit must be obtained and a copy of the permit must be provided to the city before the project may commence.
- (c) A certified copy of this resolution must be filed with the Hennepin County Register of Titles and proof of filing provided to the city before the project may commence.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 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 H. Young, City Clerk

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



---

## DENYING

**the 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. The planning commission, on a 5-0 vote, recommended the council deny the variance requests based on the following findings:
  - (a) The variance is NOT 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 exists 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 is 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 of 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 WILL alter the essential character of the locality, because the plan 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 the 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.

## 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.

**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**.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 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 H. Young, City Clerk



**Agenda Item:** 1<sup>st</sup> reading of ordinance proposing to amend Greenwood Ordinance Code Section 1102 Definitions and Section 1140.10 Subd. 2(C) regarding accessory structure lake setbacks.

**Summary:** The city council is attempting to clarify lake yard setback requirements, particularly as it relates to patios and decks. Additionally, the city council is considering a 50-foot setback requirement for landscape retaining walls (as opposed to being merely a CUP request). The city council is not unanimous on this proposal and seeks planning commission input on the changes.

**Timeline:**

- ~~1-02-20 City council discusses potential revisions to the ordinance.~~
- ~~1-30-20 The public hearing notice is published in the Sun-Sailor (10+ days prior to planning commission meeting).~~
- ~~2-12-20 Planning commission holds public hearing and makes recommendation.~~
- 3-04-20 City council considers 1st reading of the ordinance (may make revisions / may waive 2nd reading).
- 3-05-20 If the 2nd reading is waived, the ordinance is submitted to the Sun-Sailor for publication.
- 3-12-20 If the 2nd reading is waived, the ordinance is published in the Sun-Sailor (goes into effect on this date).
- 4-01-20 City council considers 2nd reading of the ordinance (may make revisions).
- 4-02-20 The ordinance is submitted to the Sun-Sailor for publication.
- 4-09-20 The ordinance is published in the Sun-Sailor (goes into effect on this date).

**Planning Commission Recommendation:**

The Planning Commission recommend the city council adopt revisions to Sections 1102 and 1140.10 Subd. 2(c) regarding accessory structure lake setbacks as amended by removing “crushed or smooth rock, sand” from the definition of deck and patio. The Commission members objected to including this language since these materials are considered permeable. The motion carried 2-1.

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

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA  
AMENDING GREENWOOD ORDINANCE CODE SECTION 1102 DEFINITIONS AND  
1140.10 SUBD. 2(C) REGARDING ACCESSORY STRUCTURE LAKE SETBACKS**

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

SECTION 1.

Greenwood ordinance code Section 1102 definitions of “Deck,” “Impervious Surface,” and “Patio, Slab” are amended to read as follows:

“Deck means an unenclosed roofless horizontal surface constructed of materials (including, but not limited to, concrete, flagstones, bricks, pavers, or boards) greater than 2 square feet in area or greater than 10 square feet in a 50 square foot area of a lot. (THIS DEFINITION APPEARS UNDER “PATIO, SLAB” AND “DECK”)

“Impervious Surface means a surface that either prevents or retards the passage of rainwater through it or causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Impervious surfaces shall include, but are not limited to, all buildings, driveways, and parking areas (though they be paved or MnDOT class 5 sand and gravel mix), pavers, tennis courts, sidewalks, walkways, horizontal area of retaining walls, patios, boardwalk decks, swimming pools, and plastic landscaping sheets which are not porous.”

“Patio, Slab means an unenclosed roofless horizontal surface constructed of materials (including, but not limited to, concrete, flagstones, bricks, pavers, or boards) greater than 2 square feet in area or greater than 10 square feet in a 50 square foot area of a lot. (THIS DEFINITION APPEARS UNDER “PATIO, SLAB” AND “DECK”)

SECTION 2.

Greenwood ordinance code Section 1102 definitions is amended to include the following definition for “Landscaping Retaining Wall”:

“Landscaping Retaining Wall means a wall used for supporting different ground elevations on either side of the wall that do not have a signed statement from a professional engineer that the wall is necessary to provide support for the primary structure on a property.”

SECTION 3.

Greenwood ordinance code Section 1140.10 is amended to read as follows:

**“Section 1140.10. Setbacks and General Regulations for Accessory Structures and Uses (Primary and Secondary).**

Subd. 1. Purpose. To preserve (1) the public safety and welfare, (2) the enjoyment of property, (3) property values, and (4) to prevent adverse impacts arising from overcrowding or competing uses associated with the placement of accessory structures and uses, the city has determined that the below setbacks and regulations are necessary to protect the public welfare of the city.

Subd. 2. Setback Standards for Accessory Structures and Uses (Primary and Secondary).

- A. *Unobstructed Green Space Perimeter Requirement*. All lots shall establish and maintain a 2-foot wide green space perimeter of open yard space along all lot lines (boundary lines) free of all accessory structures and uses (primary and secondary), subject only to (a) the right angle traversing of same by driveway, parking pad, or sidewalk, (b) code compliant authorized fences, and (c) code compliant authorized lakeside improvements.
- B. *Primary Accessory Structures and Uses Setback Minimums - Residential Zones*. Subject to the Unobstructed Green Space Perimeter Requirement (subd. 2A above), the minimum yard setback for all primary accessory structures / uses in residential zones R-1A, R-1B, R-1C, and R-2, inclusive, (as same are defined in this code including sections 1120, 1122, 1123, and 1125), are as follows:

	Front Yard Setback	Side Yard Setback	Exterior Side Yard Setback (Corner Lot)	Rear Yard Setback	Lakeside Yard Setback
Primary Accessory Structures - Residential Zones (see sections 1120.20, 1122.20, 1123.20, 1125.20 for more regulations)	100 feet	10 feet	30 feet	10 feet	50 feet

C. *Secondary Accessory Structures and Uses Setback Minimums.* Subject to the Unobstructed Green Space Perimeter Requirement (subd. 2A above), for each of the specific secondary accessory structures / uses identified in the table below, the minimum yard setbacks stated therein shall control and supersede the setback minimums for primary accessory structures stated in subd. 2B above. See section 1102 for definitions.

	Front Yard Setback	Side Yard Setback	Exterior Side Yard Setback (Corner Lot)	Rear Yard Setback	Lakeside Yard Setback
Driveways, Parking Pads (see section 1140.46)	0 feet	5 feet	0 feet	10 feet	50 feet
Driveway Monument Posts (see subd. 8 below)	2 feet	5 feet	2 feet	Not allowed	Not allowed
Fire Pits (built-in or freestanding, <b>less than or equal to 10 sq ft in area</b> )	50 feet	5 feet	30 feet	10 feet	10 feet
<b>Landscaping Retaining Walls</b>	<b>0 feet</b>	<b>0 feet</b>	<b>0 feet</b>	<b>10 feet</b>	<b>50 feet</b>
Monument Signs (for commercially-regulated properties only, see section 1140.40 subd 8(d) for more regulations)	2 feet	10 feet	2 feet	Not allowed	Not allowed
Outdoor Fireplaces, Outdoor Kitchens (built-in or freestanding), <b>Fire Pits (greater than 10 sq ft in area)</b>	50 feet	5 feet	30 feet	10 feet	<b>35 50 feet</b>
Patio, Deck, Slabs (less than 30 inches in height at all points, excluding railing, pergola, etc.)	50 feet	5 feet	30 feet	10 feet	<b>35 50 feet</b>
Patio, Deck, Slabs (30+ inches in height at any point, excluding railing, pergola, etc.)	50 feet	10 feet	30 feet	10 feet	50 feet
Pergolas, Arbors, Trellises (see subd 4 below)	20 feet	5 feet	30 feet	10 feet	<b>35 50 feet</b>
Sidewalks (see subd. 5 below)	0 feet	5 feet	0 feet	10 feet	<b>0 50 feet</b>
Sport Courts, Tennis Courts (see subd. 6 below)	50 feet	10 feet	30 feet	10 feet	50 feet
Swimming Pools, Hot Tubs, Spas – in-ground (see subd. 7 below) and freestanding	50 feet	10 feet	30 feet	10 feet	50 feet
Miscellaneous Secondary Accessory Structures Not Listed Above – with a footprint of 2 sq ft or greater	50 feet	10 feet	30 feet	10 feet	50 feet

Subd. 3. Proximity and Attachment of Primary Accessory Structures to Principal Structures. If a primary accessory structure is attached or physically connected to the main principal structure by any means, utility connections excepted, it shall be deemed a part of the main principal structure and shall comply in all respects with the requirements of the zoning ordinance applicable to the principal structure. No primary accessory structure shall be closer than 5 feet to the principal structure. No primary accessory structure may be attached to and / or made a part of the principal structure, if so doing would cause the principal structure to become noncompliant with the setbacks applicable to the principal structure.

Subd. 4. Pergolas, Arbors, and Trellises. Must meet the setback requirements in subd. 2C above. The maximum height for a pergola or arbor is 12 feet. The maximum total combined footprint per property for pergolas or arbors located in a garden, in a grassy area, or over a sidewalk is 100 square feet. The maximum total combined square foot per property for pergolas located over decks or patios that are compliant with the setbacks in subd. 2C above is 400 square feet. Trellises may be included as a decorative element to a code compliant fence.

Subd. 5. Sidewalks. Must meet the setback requirements in subd. 2C above. Sidewalks may exceed 4 feet in only one direction. If adjacent to lakeshore, sidewalks must be perpendicular (not parallel) to the shoreline.

Subd. 6. Sport Courts and Tennis Courts. Must meet the setback requirements in subd. 2C above. A conditional use permit is required for all sport courts and tennis courts subject to reasonable conditions for the protection of public safety, health, and welfare.

Subd. 7. In-Ground Swimming Pools and In-Ground Spas. Must meet the setback requirements in subd. 2C above. All equipment related to operation or maintenance of an in-ground pool or in-ground spa must comply with the setbacks. A conditional use permit is required for all in-ground pools and in-ground spas subject to reasonable conditions for the protection of public safety, health, and welfare.

Subd. 8. Driveway Monument Posts. Must meet the setback requirements in subd. 2C above. A maximum of 2 posts are allowed per driveway entrance (1 post on each side of the driveway). The maximum dimensions for each driveway monument post is 3 feet wide, 3 feet deep, 7 feet tall including a light or finial.

SECTION 4.

Effective Date. This ordinance shall be effective upon publication according to law.

Enacted by the city council of Greenwood, Minnesota this \_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_ AYES \_\_\_ NAYS

CITY OF GREENWOOD

By: \_\_\_\_\_  
Debra J. Kind, Mayor

Attest: \_\_\_\_\_  
Dana H. Young, City Clerk

First reading: \_\_\_\_\_, 2020  
Second reading: \_\_\_\_\_, 2020  
Publication: \_\_\_\_\_, 2020

**RESOLUTION 11-20**

**A RESOLUTION OF THE CITY OF GREENWOOD, MINNESOTA  
APPROVING PUBLICATION OF ORDINANCE NUMBER 299 BY TITLE AND SUMMARY**

**WHEREAS**, on \_\_\_\_\_, 2020 the city council of the city of Greenwood adopted "Ordinance 299 Amending Greenwood Ordinance Code Section 1102 Definitions and 1140.10 Subd. 2(C) Regarding Accessory Structure Lake Setbacks."

**WHEREAS**, the city council has prepared a summary of ordinance 299 as follows:

1. The purpose of this ordinance is to protect and safeguard the health, safety, and welfare of the public by regulating the location of accessory structures that affect the natural look of the shoreline and / or cause increased stormwater runoff rates and volumes that can lead to erosion and contaminants entering the lake.
2. The ordinance ...
  - clarifies the definition of decks and patios;
  - prohibits the location of decks, patios, slabs within 50 feet of the lake;
  - adds the horizontal area of retaining walls to the definition of impervious surfaces;
  - adds a definition for landscaping retaining walls;
  - prohibits the location of landscaping retaining walls within 50 feet of the lake and within 10ft of the rear yard property line;
  - limits the size of firepits to 10 square feet, if they are located between 10ft and 50ft from the lake;
  - increases the lakeshore setback from 35 to 50 feet for pergolas, arbors, or trellises; and
  - prohibits sidewalks within 50 feet of the lakeshore.
3. The ordinance applies to any new construction, new alteration, or new improvement.

**NOW THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENWOOD:**

1. The city council finds that the above title and summary of ordinance 299 clearly informs the public of intent and effect of the ordinance.
2. The city clerk is directed to publish ordinance 299 by title and summary, pursuant to Minnesota statutes, section 412.191, subdivision 4.
3. A full copy of the ordinance is available at the Greenwood city office, 20225 Cottagewood Road, Deephaven, MN 55331.

**ADOPTED** by the city council of the city of Greenwood, Minnesota this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_ AYES \_\_\_\_ NAYS

CITY OF GREENWOOD

By: \_\_\_\_\_  
Debra J. Kind, Mayor

Attest: \_\_\_\_\_  
Dana H. Young, City Clerk

CITY OF GREENWOOD  
Debra J. Kind, Mayor  
Attest: Dana H. Young, City Clerk  
First reading: \_\_\_\_\_, 2020  
Second reading: \_\_\_\_\_, 2020  
Publication: \_\_\_\_\_, 2020



Agenda Number: **9A**

Agenda Date: **03-04-20**

Prepared by Deb Kind

**Agenda Item:** 1st Reading: Ord 298, Amending Construction Management Ordinance Section 305, Subd 1(b), Regarding Construction Hours

**Summary:** Residents on Meadville Street and Fairview Street have expressed concern about having new home construction in the area for several years in a row and facing another summer of new home construction. The residents have asked the city council to consider changing construction hours.

Greenwood's current code ...

Work at construction sites shall be limited to 7am to 9pm Monday through Friday and 8am to 7pm on weekends and holidays.

Shorewood's code (Excelsior has similar language) ...

Construction hours are between 7:00 am and 7:00 pm on weekdays and 8:00 am and 6:00 pm on Saturdays. Construction is prohibited on Sundays.

Edina's code ...

Construction hours for demolition and new residential building permits are: Monday through Friday from 7 a.m. to 7 p.m. Saturday from 9 a.m. to 6 p.m. Sundays and Holidays (New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas) - Construction is Prohibited.

Proposed new language for Greenwood's code (see draft of ordinance attached) ...

Work at construction sites shall be limited to the following hours: Monday through Friday from 7am to 7pm and Saturday from 9am to 6pm. Work at construction sites is prohibited on Sundays and the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

**Timeline:**

- 03-04-20 City council considers 1st reading of the ordinance (may make revisions / may waive 2nd reading).
- 03-05-20 If the 2nd reading is waived, the ordinance is submitted to the Sun-Sailor for publication.
- 03-12-20 If the 2nd reading is waived, the ordinance is published in the Sun-Sailor (goes into effect on this date).
- 04-01-20 City council considers 2nd reading of the ordinance (may make revisions).
- 04-02-20 The ordinance is submitted to the Sun-Sailor for publication.
- 04-09-20 The ordinance is published in the Sun-Sailor (goes into effect on this date).

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

1. I move the city council (1) approves the 1st reading of ordinance 298 amending the construction management ordinance code section 305 as written / as amended; and (2) waives the 2nd reading; and (4) directs staff to publish the ordinance in the city's official newspaper.
2. I move the city council (1) approves the 1st reading of ordinance 298 amending the construction management ordinance code section 305 as written / as amended; and (2) directs the ordinance be placed on the next city council agenda for a 2nd reading.
3. Do nothing (maintain current ordinance) or other motion ???

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

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA  
AMENDING GREENWOOD CONSTRUCTION MANAGEMENT ORDINANCE SECTION 305  
REGARDING CONSTRUCTION HOURS**

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

SECTION 1.

Greenwood ordinance code section 305, subd 1(b) is amended to read as follows:

~~Work at construction sites shall be limited to 7am to 9pm Monday through Friday and 8am to 7pm on weekends and holidays.~~

Work at construction sites shall be limited to the following hours: Monday through Friday from 7am to 7pm and Saturday from 9am to 6pm. Work at construction sites is prohibited on Sundays and the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

SECTION 2.

Effective Date. This ordinance shall be effective upon publication according to law.

Enacted by the city council of Greenwood, Minnesota this \_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_ AYES \_\_\_ NAYS

CITY OF GREENWOOD

By: \_\_\_\_\_  
Debra J. Kind, Mayor

Attest: \_\_\_\_\_  
Dana H. Young, City Clerk

First reading: \_\_\_\_\_, 2020  
Second reading: \_\_\_\_\_, 2020  
Publication: \_\_\_\_\_, 2020



Agenda Number: **9B**

Agenda Date: **03-04-20**

Prepared by Dale Cooney & Deb Kind

**Agenda Item:** Met Council's Comments re: Greenwood's 2040 Comp Plan

**Summary:** The Met Council approved Greenwood's 2040 Comp Plan with "advisory comments." See attached letter. Here are the Met Council's "advisory comments" ...

Forecasts (top of page 4 of the Review Record) – Although the City has acknowledged that current Population, Household, and Employment estimates (2017) all exceed the City's 2040 Forecasts, they have chosen to not request an official forecast change at this time. [Met] Council staff still advises the City to consider a formal forecast change request in the coming years to better represent future conditions more accurately.

Land Use (bottom of page 4 of the Review Record) – [Met] Council staff advises the City that if redevelopment opportunities present themselves, the City must meet the minimum density of 5 units per acre and request a comprehensive plan amendment for review. The plan references the 10-acre Old Log Theatre site, which is zoned for residential uses (plan page 10). [Met] Council Staff recommend City staff evaluate the potential for redevelopment of the theater site in the future.

Water Supply (middle of page 5 of the Review Record) – The Plan should include information about water sources, including plans to protect private water supplies in appropriate sections of the local comprehensive plan.

Note from former Zoning Administrator Dale Cooney: No immediate action is required for Forecasts and Land Use, but [the Met Council expects] those to be implemented.

Here is the Water Supply language Dale included for Woodland ...

The city does not have a water source, supply, or tower facility within its municipal boundaries. There are no plans to extend municipal water to other areas of the city at this time.

The majority of the households within the city have private well water. Whenever potential issues arise, the city will work with the Minnesota Department of Health and Hennepin County to identify and seal abandoned wells in order to prevent contamination of groundwater resources. The city will be a willing participant in state and local efforts to protect private water supplies. The city will also continue to provide information, resources, and recommendations for residents on well maintenance and wellhead protection.

**Next Steps:** The following actions need to happen **before June** ...

1. The new change(s) to the Comp Plan reviewed and approved by the city council.
2. The resolution approving the plan must be adopted prior to June.
3. The adopted plan and the resolution must be sent to the Met Council in both hard copy form and electronic form.

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

1. I move the city council (1) directs the following update(s) be made to the city's 2040 Comprehensive Plan: \_\_\_\_\_; and (2) approves resolution \_\_-20.
2. Do nothing or other motion.

October 1, 2019

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

RE: **City of Greenwood 2040 Comprehensive Plan - Notice of Council Action**  
Metropolitan Council Review File No. 22155-1  
Metropolitan Council District 3, Christopher Ferguson

Dear Mr. Cooney:

The Metropolitan Council reviewed the City of Greenwood Comprehensive Plan Update (Plan) at its meeting on September 25, 2019. The Council based its review on the staff's report and analysis (attached).

The Council found that the City's Plan meets all Metropolitan Land Planning Act requirements; conforms to the regional system plans including transportation, aviation, water resources management, and parks; is consistent with *Thrive MSP 2040*; and is compatible with the plans of adjacent jurisdictions.

In addition to the Advisory Comments and Review Record, the Council adopted the following recommendations.

1. Authorize the City of Greenwood to put its 2040 Comprehensive Plan into effect.
2. Advise the City to implement the advisory comments noted in the Review Record for Forecasts, Land Use, and Water Supply.
3. Approve the City of Greenwood's Comprehensive Sewer Plan.

Please consult the attached staff report for important information about the City's next steps. Of particular importance are the Council's actions, listed on page 1, general Advisory Comments listed on page 3, and the specific comments for technical review areas, which are found in the body of the report. The final copy of the Plan needs to include all supplemental information/changes made during the review.

Congratulations on completing this important project. It was a pleasure to work with the City's staff throughout the review process.

Sincerely,



Angela R. Torres, AICP, Manager  
Local Planning Assistance

*Attachment*



**METROPOLITAN**  
C O U N C I L

Dale Cooney, City of Greenwood  
September 26, 2019  
Page 2

cc: Tod Sherman, Development Reviews Coordinator, MnDOT Metro Division  
Christopher Ferguson, Metropolitan Council District 3  
Jake Reilly, Sector Representative/Principal Reviewer  
Raya Esmaeili, Reviews Coordinator

*N:\CommDev\LPA\Communities\Greenwood\Letters\2018 Greenwood 2040CPU 22155-1\_Post Council Action.doc*

## Committee Report

Joint Business Item No. 2019-242 JT

### Community Development Committee

Meeting date: September 3, 2019

### Environment Committee

Meeting date: September 10, 2019

For the Metropolitan Council meeting of September 25, 2019

**Subject:** City of Greenwood 2040 Comprehensive Plan and Comprehensive Sewer Plan, Review File 22155-1

### Proposed Action

[Repeat action as submitted on the original Business Item, or as modified by the Committee.]

### Summary of Committee Discussion/Questions

That the Metropolitan Council adopt the attached Advisory Comments and Review Record and take the following actions:

#### Recommendations of the Community Development Committee

1. Authorize the City of Greenwood to place its 2040 Comprehensive Plan into effect.
2. Advise the City to implement the advisory comments in the Review Record for Forecasts, Water Supply, and Land Use.

#### Recommendation of the Environment Committee

1. Approve the City of Greenwood's Comprehensive Sewer Plan

### Summary of Community Development Committee Discussion/Questions

Senior Planner Jake Reilly presented the staff's report to the Committee. Dale Cooney, Zoning Administrator for the City of Greenwood was in attendance. The Community Development Committee unanimously recommended approval of the proposed action with no questions or discussion at its meeting on September 3, 2019.

### Summary of Environment Committee Discussion/Questions

No comments or questions. This item was approved on the Environment Committee consent agenda for Tuesday, September 10, 2019.

## Community Development Committee

Meeting date: September 3, 2019

## Environment Committee

Meeting date: September 10, 2019

For the Metropolitan Council meeting of September 25, 2019

**Subject:** City of Greenwood 2040 Comprehensive Plan and Comprehensive Sewer Plan, Review File 22155-1

**District(s), Member(s):** District 3, Christopher Ferguson

**Policy/Legal Reference:** Metropolitan Land Planning Act (Minn. Stat. § 473.175), Minn. Stat. § 473.513

**Staff Prepared/Presented:** Jake Reilly, Senior Planner (651-602-1822)  
Angela R. Torres, Local Planning Assistance Manager (651-602-1566)  
Kyle Colvin, Engineering Programs, Manager (651-602-1151)

**Division/Department:** Community Development / Regional Planning  
Environmental Services / Technical Services

### Proposed Action

That the Metropolitan Council adopt the attached Advisory Comments and Review Record and take the following actions:

#### Recommendations of the Community Development Committee

3. Authorize the City of Greenwood to place its 2040 Comprehensive Plan into effect.
4. Advise the City to implement the advisory comments in the Review Record for Forecasts, Water Supply, and Land Use.

#### Recommendation of the Environment Committee

1. Approve the City of Greenwood's Comprehensive Sewer Plan.

## Advisory Comments

The following Advisory Comments are part of the Council action authorizing the City of Greenwood to implement its 2040 Comprehensive Plan (Plan)

### Community Development Committee

1. As stated in the *Local Planning Handbook*, the City must take the following steps:
  - a. Adopt the Plan in final form after considering the Council's review recommendations as contained in the body of this report.
  - b. Submit one hard copy and one electronic copy of the Plan to the Council. The electronic copy must be submitted as one unified file
  - c. Submit to the Council a copy of the City Council resolution evidencing final adoption of the Plan.
2. The *Local Planning Handbook* also states that local governments must formally adopt their comprehensive plans within nine months after the Council's final action. If the Council has recommended changes to the Plan, local governments should incorporate those recommended changes into the Plan or respond to the Council before "final adoption" of the comprehensive plan by the governing body of the local governmental unit. (Minn. Stat. § 473.858, subd. 3)
3. Local governments must adopt official controls as identified in their 2040 comprehensive plans and must submit copies of the official controls to the Council within 30 days after the official controls are adopted. (Minn. Stat. § 473.865, subd. 1)
4. Local governmental units cannot adopt any official controls or fiscal devices that conflict with their comprehensive plans or which permit activities in conflict with the Council's metropolitan system plans (Minn. Stats. §§ 473.864, subd. 2, 473.865, subd. 2). If official controls conflict with comprehensive plans, the official controls must be amended within 9 months following amendments to comprehensive plans (Minn. Stat. § 473.865, subd. 3)

### Environment Committee

1. The Council-approved Comprehensive Sewer Plan becomes effective only after the Plan receives final approval from the local governmental unit's governing body. After the Plan receives final approval from the City and the Comprehensive Sewer Plan becomes effective, the City may implement its Plan to alter, expand, or improve its sewage disposal system consistent with the Council-approved Comprehensive Sewer Plan.
2. A copy of the City Council resolution adopting its 2040 comprehensive plan, including its Comprehensive Sewer Plan, must be submitted to the Council.

## Background

The City of Greenwood is located in south-central Hennepin County. It is surrounded by the communities of Deephaven, Excelsior, Shorewood, and Orono.

The City submitted its 2040 Comprehensive Plan (Plan) to the Council for review to meet the Metropolitan Land Planning Act requirements (Minn. Stats. §§ 473.851 to 473.871) and the Council's 2015 System Statement requirements.

## Review Authority & Rationale

Minn. Stat. § 473.175 directs the Metropolitan Council to review a local government's comprehensive plan and provide a written statement to the local government regarding the Plan's:

- **Conformance** with metropolitan system plans
- **Consistency** with the adopted plans and policies of the Council
- **Compatibility** with the plans of adjacent governmental units and plans of affected special districts and school districts

By resolution, the Council may require a local government to modify its comprehensive plan if the Council determines that "the plan is more likely than not to have a substantial impact on or contain a substantial departure from metropolitan system plans" (Minn. Stat. § 473.175, subd. 1).

Each local government unit shall adopt a policy plan for the collection, treatment, and disposal of sewage for which the local government unit is responsible, coordinated with the Metropolitan Council's plan, and may revise the same as often as it deems necessary (Minn. Stat. § 473.513).

The attached Review Record details the Council's assessment of the Plan's conformance, consistency, and compatibility, and is summarized below.

Review Standard	Review Area	Plan Status
Conformance	Regional system plan for Parks	Conforms
Conformance	Regional system plan for Transportation, including Aviation	Conforms
Conformance	Water Resources (Wastewater Services and Surface Water Management)	Inconsistent
Consistency with Council Policy	<i>Thrive MSP 2040</i> and Land Use	Inconsistent
Consistency with Council Policy	Forecasts	Consistent
Consistency with Council Policy	<i>2040 Housing Policy Plan</i>	Consistent
Consistency with Council Policy	Water Supply	Consistent
Consistency with Council Policy	Community and Subsurface Sewage Treatment Systems (SSTS)	Consistent
Compatibility	Compatible with the plans of adjacent and affected governmental districts	Compatible

## Thrive Lens Analysis

The proposed 2040 comprehensive plan is reviewed against the land use policies in *Thrive MSP 2040*. To achieve the outcomes identified in *Thrive*, the metropolitan development guide defines the Land Use Policy for the region and includes strategies for local governments and the Council to implement. These policies and strategies are interrelated and, taken together, serve to achieve the outcomes identified in *Thrive*.

## Funding

None.

**Known Support / Opposition**

There is no known local opposition to the 2040 comprehensive plan.

# REVIEW RECORD

City of Greenwood 2040 Comprehensive Plan

Review File No. 22155-1, Business Item No. 2019-242-JT

The following Review Record documents how the proposed Plan meets the requirements of the Metropolitan Land Planning Act and conforms to regional system plans, is consistent with regional policies, and is compatible with the plans of adjacent and affected jurisdictions.

## Conformance with Regional Systems

The Council reviews plans to determine conformance with metropolitan system plans. The Council has reviewed the City's Plan and finds that it conforms to the Council's regional system plans for Regional Parks, Transportation (including Aviation), and Water Resources.

### Regional Parks and Trails

*Reviewer: Colin Kelly, Community Development (CD) - Regional Parks (651-602-1361)*

The Plan conforms to the 2040 Regional Parks Policy Plan for the Regional Parks System element. Three Rivers Park District is the park implementing agency for Regional Parks System components in Greenwood, for which the Plan accurately describes the Regional Parks System components. Regional Trails located within the City include the Lake Minnetonka LRT Regional Trail. There are no state or federal lands within the City.

### Regional Transportation, Transit, and Aviation

*Reviewer: Russ Owen, Metropolitan Transportation Services (MTS) (651-602-1724)*

The Comprehensive Plan (Plan) conforms to the 2040 Transportation Policy Plan (TPP) adopted in 2015. It accurately reflects transportation system components of the TPP as well as applicable land use policies for regional transitways. The Plan is also consistent with Council policies regarding community roles, the needs of non-automobile transportation, access to job concentrations, and the needs of freight.

### Roadways

The Plan conforms to the Highways system element of the TPP. The Plan accurately accounts for the metropolitan highway system of principal arterials, which includes MN Highway 7.

The Plan accurately reflects the regional functional classification map of A-minor arterials, and has delineated major and minor collectors; most of the streets in Greenwood are classified as local streets.

The Plan identifies all the required characteristics of the City's roadways, including existing and future functional class, right-of-way preservation needs, and existing and forecasted traffic volumes for principal and A-minor arterials. Forecasting is consistent with regional methodology.

### Transit

The Plan conforms to the Transit system element of the TPP. It shows the location of existing transit routes and facilities and acknowledges the City is within Transit Market Area IV and Emerging Market Area III.

The Plan is consistent with the policies of the Transit system element of the TPP. The Plan addresses community roles related to its Community Designation of Suburban.

## **Aviation**

The Plan conforms to Aviation system element of the TPP. The Plan includes policies that protect regional airspace from obstructions and addresses seaplane use.

## **Bicycling and Walking**

The Plan is consistent with the Bicycling and Pedestrian chapter of the TPP. The Plan identifies existing and future segments of, and connections to, the Regional Bicycle Transportation Network (RBTN) and regional trails. There is a Tier 1 alignment and a Tier 2 corridor in the City. The Plan is also consistent with Bicycle and Pedestrian policies of the TPP.

## **Freight**

The Plan is consistent with Freight policies of the TPP. There is one principal arterial and no A-Minor arterials, so there is little freight that travels through Greenwood.

## **Transportation Analysis Zones (TAZs)**

The Plan conforms to the TPP regarding TAZ allocations. The City's TAZ allocations for employment, households, and population appropriately sum to the Council's citywide forecast totals for all forecast years.

The City's planned land uses and areas identified for development and redevelopment can accommodate the TAZ forecasted allocations in the Plan, and at densities consistent with the community's Thrive designation of Suburban.

## **Water Resources**

### **Wastewater Service**

*Reviewer: Kyle Colvin, Environmental Services (ES) – Engineering Programs (651-602-1151)*

The Plan conforms to the 2040 Water Resources Policy Plan (WRPP). The Plan is in conformance with the 2040 Water Resources Policy Plan (WRPP). It represents the City's guide for future growth and development through the year 2040. It includes growth forecasts that are consistent with the Council's forecasts for population, households, and employment.

Current wastewater treatment services are provided to the City by Metropolitan Council Environmental Services. All wastewater generated within the City is conveyed through Council Interceptors 6-GW-649, 7017, and 6-DH-545. All flow is treated at the Council's Blue Lake Wastewater Treatment Plant in Shakopee. The Plan projects that the City will have 300 sewer households and 130 sewer employees by 2040. The Metropolitan Disposal System with its scheduled improvements has or will have adequate capacity to serve the City's growth forecasts.

The Plan provides sanitary flow projections in 10-year increments. The rationale for the projections is given in the Plan and determined appropriate for planning local services. The Council is committing to provide the level of wastewater service based on the sewer forecasts as stated in the sewer element of the Plan.

The Plan defines the community's goals, policies, and strategies for preventing and reducing excessive inflow and infiltration (I/I) in the local municipal (city) and private property sanitary sewer systems. The Plan includes a summary of activities and programs intended to investigate and mitigate I/I from both public and private property sources including system smoke testing, MH sealing, casting raising, or relocation out of flood prone areas, and conducted a self-reporting sump pump survey.

The Plan describes the requirements and standards for minimizing I/I and references City Ordinance (Section 310.30) that prohibits the discharge of stormwater, surface water, and groundwater from roof drains, sump pumps, foundation drains, cooling water, and cistern overflows to the sanitary sewer.

system and requires the disconnection of such connections if discovered. The Ordinance also requires property owners to allow City staff or its authorized representatives access into private property buildings to confirm there are no prohibited connections to the wastewater collection system.

The Plan describes the sources, extent, and significance of existing I/I within the entire wastewater collection system and acknowledges that a significant amount of I/I is from private property sources. It provides a description of an implementation plan for preventing and eliminating excessive I/I from entering both the municipal and private property sewer systems. The Plan states that most of the City was developed before 1970 when clay tile services were standard, which is of significance since clay tile pipe can become more susceptible to I/I as it ages. The City by comparing wastewater flow data during high lake level periods in Lake Minnetonka has determined that the collection system is not significantly impacted by infiltration. However, system peak flow in response to wet weather events have exceeded the City's assigned limits resulting in work plan assignments from the Council.

**Sewer Element Comments**

The Sewer Element of the Plan has been reviewed against the requirements for Comprehensive Sewer Plans for Suburban communities. It was found to be inconsistent with Council policies. Upon adoption of the Plan by the City, the action of the Council to approve the Sewer Plan becomes effective. At that time, the City may implement its Plan to alter, expand, or improve its sewage disposal system consistent with the approved Sewer Plan. A copy of the City Council Resolution adopting its Plan needs to be submitted to the Council for its records.

**Surface Water Management**

*Reviewer: Jim Larsen, CD – Local Planning Assistance (651-602-1159)*

The Plan is consistent with Council policy requirements and in conformance with the Council's WRPP for local surface water management. The Plan satisfies the requirements for 2040 comprehensive plans. The City of Greenwood lies within the oversight boundaries of the Minnehaha Creek Watershed District. Greenwood submitted a draft Local Water Management Plan (LWMP) update to the Council in August 2018. Council Water Resources staff reviewed and commented on the draft LWMP to the City and Watershed District in a letter dated August 7, 2018. The Minnehaha Creek Watershed District approved the LWMP on January 10, 2019 and the City adopted the final LWMP on April 3, 2019. The Plan incorporates the City's final LWMP as Attachment J.

**Consistency with Council Policies**

The Council reviews plans to evaluate their apparent consistency with the adopted plans of the Council. Council staff have reviewed the City's Plan and find that it is consistent with the Council's policies, as detailed below.

**Forecasts**

*Reviewer: Paul Hanson, CD – Research (651-602-1642)*

The Plan includes, in the Table on page 17, the Council forecast for the City. For reference.

**Table 1. City of Greenwood Forecasts**

	Census	Estimated	Council Forecasts		
	2010	2017	2020	2030	2040
Population	688	724	680	670	650
Households	290	306	300	300	300
Employment	82	155	110	120	130

All forecasts tables throughout the Plan are consistent and with little anticipated growth, the City appears to have enough land guided to accommodate future household growth.

### **Advisory Comments**

Although the City has acknowledged that current Population, Household, and Employment estimates (2017) all exceed the City's 2040 Forecasts, they have chosen to not request an official forecast change at this time. Council Staff still advises the City to consider a formal forecast change request in the coming years to better represent future conditions more accurately.

### **Thrive MSP 2040 and Land Use**

*Reviewer: Jake Reilly, CD – Local Planning Assistance (651-602-1322)*

The Plan is inconsistent with *Thrive MSP 2040* and its land use policies. The Plan acknowledges the *Thrive* community designation of Suburban (Figure 2). *Thrive* describes Suburban communities as those that saw their primary era of development during the 1980s and early 1990s as Baby Boomers formed families and entered their prime earning years.

Suburban communities are expected to plan for forecasted population and household growth at overall average densities of at least five units per acre, and target opportunities for more intensive development near regional transit investments at densities and in a manner articulated in the TPP. Plans are also required to identify areas for redevelopment, particularly areas that are well-served by transportation options and nearby amenities and that contribute to better proximity between jobs and housing.

The existing land uses in Greenwood are 70% residential, as shown in Figure 3. The commercial uses make up less than 4% of the land area of the City. The Plan's vision and goals focus on protecting natural and historic resources and maintaining the existing character of residential neighborhoods. Lake Minnetonka represents a significant natural resource in the City, and land use policy prohibits development within 50 feet of the lakeshore. The City does not anticipate any household growth, as reflected in the forecast.

The Plan is inconsistent with land use and residential density policies for the Suburban community designation. *Thrive* calls for Suburban communities to plan for forecasted population and household growth at overall average densities of at least 5 units per acre. The Plan identifies the City as fully developed with one vacant parcel available for new construction and/or redevelopment. There is no acreage identified as available for redevelopment and no land is anticipated to be redeveloped during this timeframe other than at the same intensity of use. Therefore, the existing residential density of 2.24 units per acre is expected to be static through 2040. The Plan does identify that subdivision of lots greater than 30,000 square feet is possible, but that given a minimum lot size of 15,000 square feet, the greatest density anticipated is 2.9 units per acre.

Given previous development patterns, the lack of planned residential development or redevelopment opportunities within the planning timeframe, and the consideration that the City's household growth is not forecasted to increase between 2020 and 2040, Council staff find that this is not an underutilization of the wastewater system. Given this, the Plan is not more likely than not to have a substantial impact on or contain a substantial departure from metropolitan system plans.

### **Advisory Comments**

Council staff advise the City that if redevelopment opportunities present themselves, the City must meet the minimum density of 5 units per acre and request a comprehensive plan amendment for review. The Plan references the 10-acre Old Log Theatre site, which is zoned for residential uses (Plan page 10). Council staff recommend City staff evaluate the potential for redevelopment of the theater site, in the future.

### **Housing**

*Reviewer: Hilary Lovelace, CD – Housing (651-602-1555)*

The Plan is consistent with the 2040 Housing Policy Plan. As of 2016, the City currently has 330 homes including more than 30 multifamily units and nearly 300 single-family homes. Approximately 40 homes are rented. More than 30 housing units are currently affordable to households earning under 80% of Area Median Income (AMI); however, nearly 40 households earning 80% of AMI or below are paying more than 30% of their income toward housing costs. The City currently has no publicly subsidized affordable housing.

The City does not have an allocation of affordable housing need in the 2021-2030 decade, as it is not expected to experience any household growth.

The Plan identifies maintenance and rehabilitation as its main existing housing need. The housing implementation plan component of the Plan describes that the City will refer interested parties to economic assistance programs available from other agencies.

### **Water Supply**

*Reviewer: John Clark, ES – Water Supply Planning (651-602-1452)*

The Plan is consistent with WRPP policies related to water supply, including the policy on sustainable water supplies, the policy on assessing and protecting regional water resources, and the policy on water conservation and reuse.

Because Greenwood relies primarily on private wells and does not own/operate a municipal community public water supply system (PWS), no local water supply plan is required.

### **Advisory Comment**

The Plan should include information about water sources, including plans to protect private water supplies, in appropriate sections of the local comprehensive plan.

### **Community and Subsurface Sewage Treatment Systems (SSTS)**

*Reviewer: Jim Larsen, CD – Local Planning Assistance (651-602-1159)*

The Plan indicates that Greenwood is entirely served by the local sanitary sewer collection system which directs flow into the MCES interceptor system for ultimate treatment at the Blue Lake Wastewater Treatment Plant in Shakopee. There are no public or privately-owned Community Wastewater Treatment or individual SSTS in operation in the City.

### **Special Resource Protection**

#### **Solar Access Protection**

*Reviewer: Cameran Bailey, CD – Local Planning Assistance (651-602-1212)*

The Plan is consistent with statutory requirements (Minn. Stat. 473.859) and Council policy regarding planning for the protection and development of access to direct sunlight for solar energy systems as required by the Metropolitan Land Planning Act (MLPA). The Plan includes the required solar planning elements.

#### **Aggregate Resource Protection**

*Reviewer: Jim Larsen, CD – Local Planning Assistance (651-602-1159)*

The Plan indicates, consistent with the Council's aggregate resources inventory information contained in *Minnesota Geological Survey Information Circular 46*, that there are no viable aggregate resource deposits available for extraction within the nearly fully developed City.

#### **Historic Preservation**

*Reviewer: Jake Reilly, CD – Local Planning Assistance (651-602-1822)*

The Plan addresses historic and cultural resources as required by the Metropolitan Land Planning Act, under the Protection section of the Plan. The Plan identifies one historic site, a cemetery, as being within the City limits and also identifies other sites that could be identified as being significant. The Plan

indicates that the City has an interest in preserving representative portions of its history through appropriate steps, as needed.

### ***Plan Implementation***

*Reviewer: Jake Reilly, CD – Local Planning Assistance (651-602-1822)*

The Plan includes a statement regarding the capital improvement program, a copy of information addressing the zoning code, the subdivision code, and the housing implementation program.

The Plan, with supplemental materials, describes the official controls and fiscal devices that the City will employ to implement the Plan. Specific implementation strategies are contained in an Implementation Plan and capital improvements planning is identified as being on an as-needed basis.

### **Compatibility with Plans of Adjacent Governmental Units and Plans of Affected Special Districts and School Districts**

The proposed Plan is compatible with the plans of adjacent jurisdictions. No compatibility issues with plans of adjacent governmental units and plans of affected special districts and school districts were identified.

### **Documents Submitted for Review**

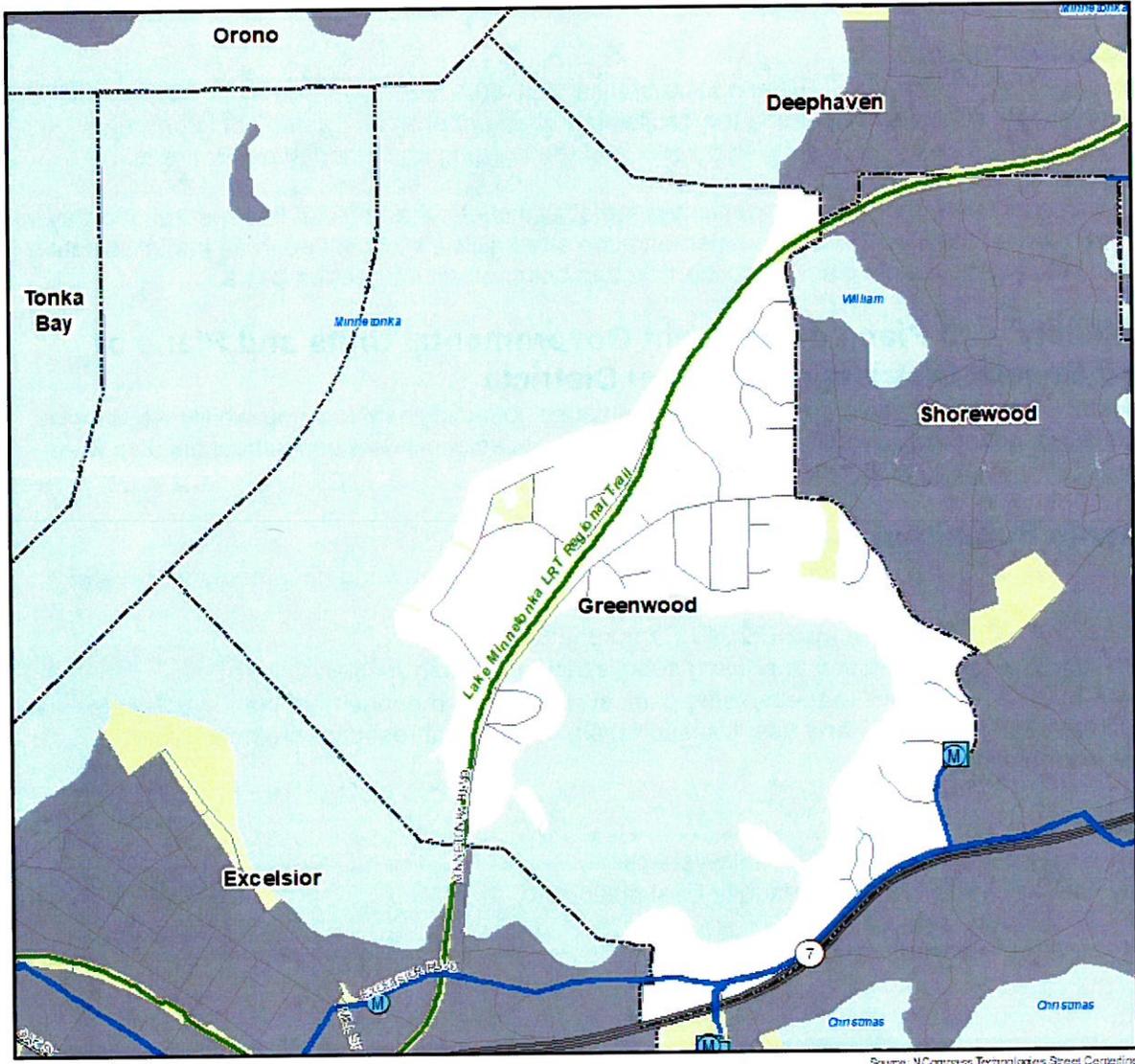
In response to the 2015 System Statement, the City submitted the following documents for review:

- December 20, 2018: Greenwood 2040 Comprehensive Plan
- January 8, 2019: Resolution approving submission to the Metropolitan Council
- June 6, 2019: Revisions to the housing plan, surface water management plan, wastewater plan, and the implementation, land use, transportation, and special resource protection and development sections

### **Attachments**

- Figure 1: Location Map with Regional Systems
- Figure 2: *Thrive MSP 2040* Community Designations
- Figure 3: Existing Land Use
- Figure 4: 2040 Planned Land Use

Figure 1. Location Map with Regional Systems



Source: NCompass Technologies Street Centerline



**Regional Systems**

**Transportation**

- Transitways**  
2040 Transportation System Policy - adopted January 2015
- Existing
  - - - Planned Current Revenue Scenario
  - - - Planned Current Revenue Scenario - CTIB\* Phase 1 Projects
  - Potential Increased Revenue Scenario

**Regional Highway System**

- Existing Principal Arterials
- - - Planned Principal Arterials
- Existing Minor Arterials
- - - Planned Minor Arterials
- Existing Other Arterials
- - - Planned Other Arterials

**Recreation Open Space**

- Regional Parks**
- Existing (Open to Public)
  - - - In Master Plan (Not Open to Public)
  - - - Planned Units
- Regional Trails**
- Existing (Open to Public)
  - - - Existing (Not Open to Public)
  - - - Planned

**Wastewater**

- (M) Meters
- (L) Lift Stations
- MCES Interceptors
- MCES Treatment Plants

**Regional Park Search Areas and Regional Trail Search Corridors**

- (Blue circle) Boundary Adjustment
- (Red circle) Search Area
- (Yellow dotted area) Regional Trail Search Corridors
- Local Streets
- Existing State Trails
- Other Parks, Preserves, Refuges and Natural Areas

\* Counties Transit Improvement Board (CTIB)

Figure 2. Thrive MSP 2040 Community Designations

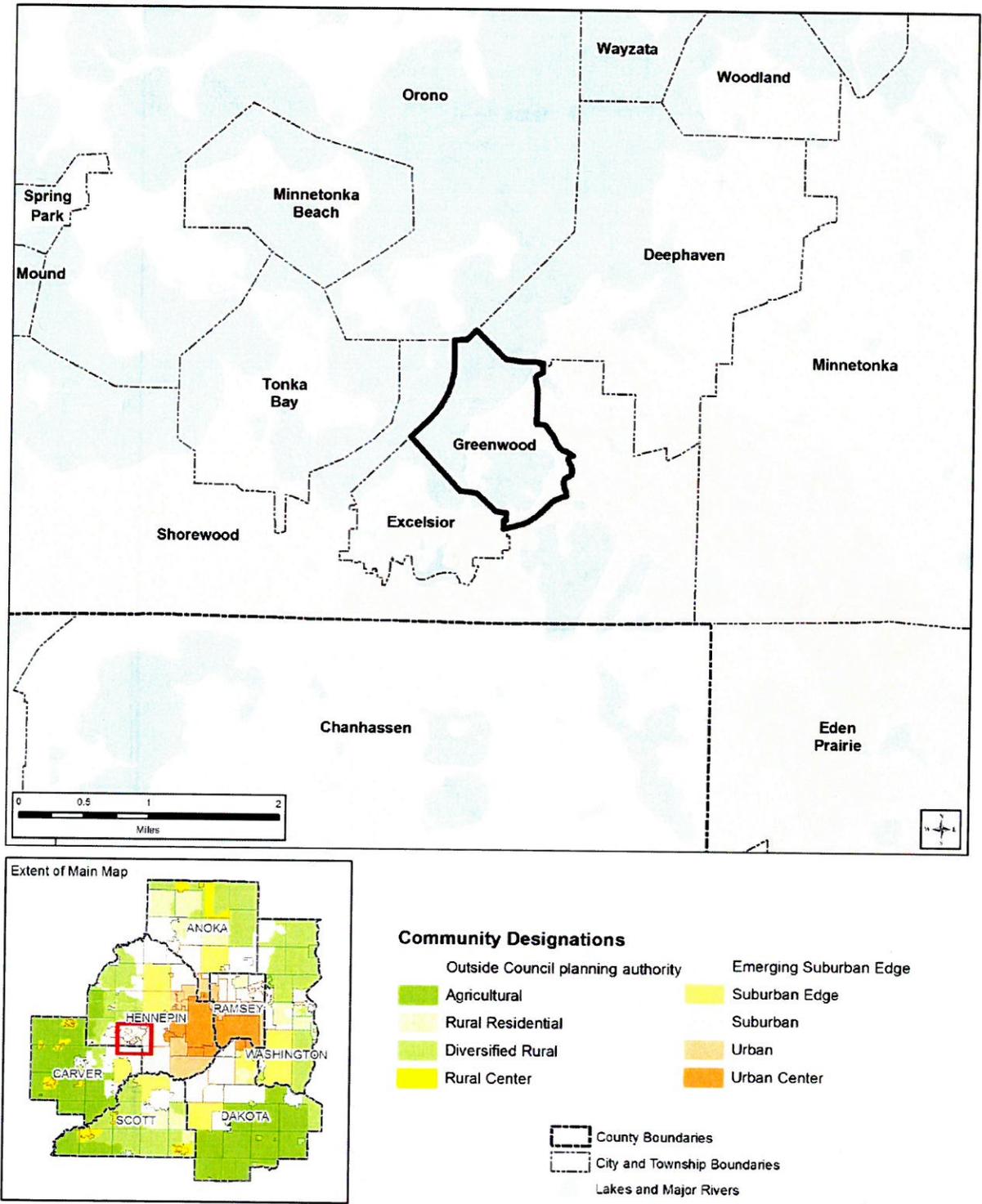


Figure 3. Existing Land Use

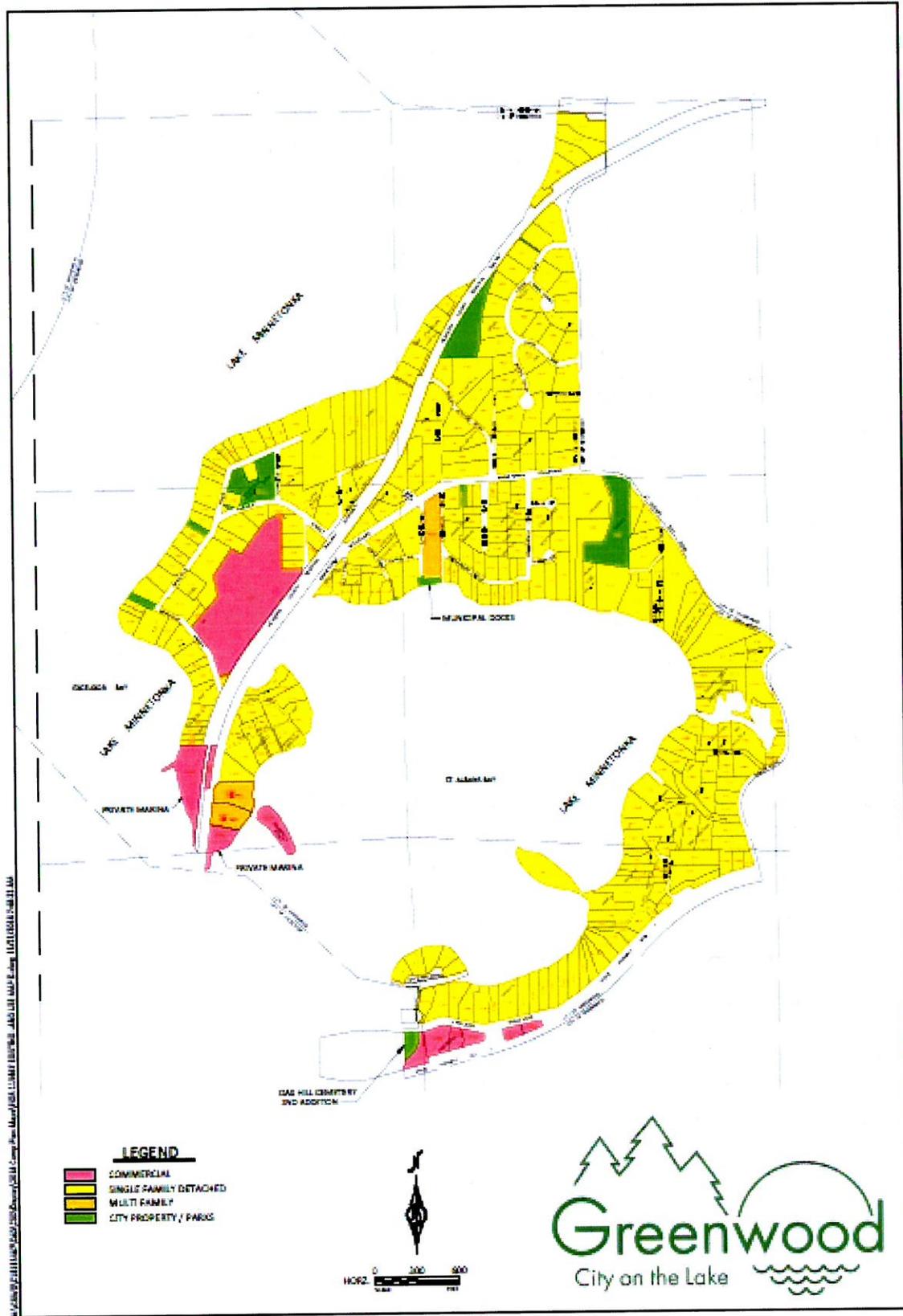
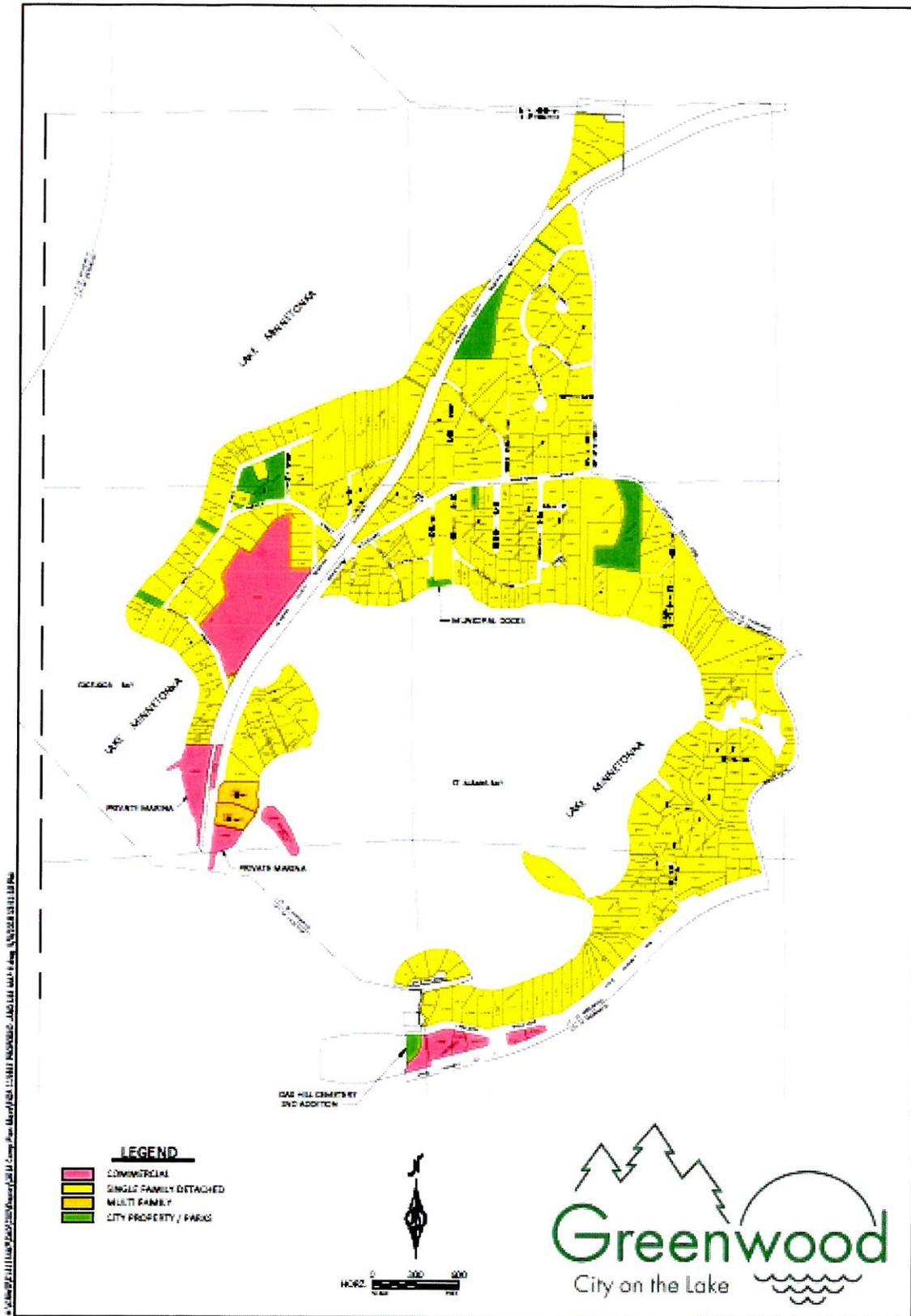


Figure 4. 2040 Planned Land Use





RESOLUTION NO XX-20

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

A RESOLUTION ADOPTING THE CITY OF GREENWOOD 2040 COMPREHENSIVE PLAN

WHEREAS, the City of Greenwood (the "City") is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, the City has adopted a comprehensive plan pursuant to Minn. Stat. 462.355, 473.175, and 473.871 to regulate development and land use within the community; and

WHEREAS, the City has conducted a decennial review of its comprehensive plan, which included the participation of city residents and city officials in open meetings; and

WHEREAS, following this public process, the City prepared an amendment to the comprehensive plan, to be called the 2040 Comprehensive Plan (the "Plan"), pursuant to the requirements of Minn. Stat. 473.864; and

WHEREAS, the City considered the proposed Plan at their February 21, 2018, April 4, 2018, and December 5, 2018 regular meetings, and held a public hearing at their August 2, 2017 and February 21, 2018 meetings in which all interested persons were given an opportunity to comment; and

WHEREAS, the City Council reviewed the comments received from surrounding jurisdictions; and

WHEREAS, the City Council authorized City Staff to submit the Plan to the Metropolitan Council for formal review; and

WHEREAS, on September 25, 2019 the Metropolitan Council found that the plan meets all Metropolitan Land Planning Act requirements, conforms to the regional system plans, is compatible with the plans of adjacent jurisdictions, and the Metropolitan Council authorized the City to put the Plan into effect; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Greenwood, Minnesota that the council approves adoption of the 2040 Comprehensive Plan and that City Staff and officials are authorized and directed to take necessary actions to implement the Plan as updated and approved by the City Council.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 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



Agenda Number: **11A-E**

**Agenda Item:** Council Reports

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

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

**Council Action:** None required.

## 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
<a href="#">Default Home Page</a>	1963	33.54%
<a href="#">Agendas, Minutes, Meeting Packets</a>	620	10.59%
<a href="#">Community Surveys</a>	336	5.74%
<a href="#">RFPs &amp; Bids</a>	308	5.26%
<a href="#">City Departments</a>	269	4.6%
<a href="#">Welcome to Greenwood</a>	253	4.32%
<a href="#">Planning Commission</a>	188	3.21%
<a href="#">Code Book of Ordinances</a>	179	3.06%
<a href="#">Assessments &amp; Taxes</a>	142	2.43%
<a href="#">Forms, Permits, Licenses</a>	95	1.62%
<a href="#">Mayor &amp; City Council</a>	94	1.61%
<a href="#">Photo Gallery</a>	81	1.38%
<a href="#">Garbage &amp; Recycling</a>	69	1.18%
<a href="#">Budget &amp; Finances</a>	64	1.09%
<a href="#">Links</a>	59	1.01%
<a href="#">Spring Clean-Up Day</a>	57	0.97%
<a href="#">Agendas, Minutes, Meetings</a>	54	0.92%
<a href="#">Public Safety</a>	51	0.87%
<a href="#">Parks, Trails &amp; Watercraft Amenities</a>	51	0.87%
<a href="#">Lake Minnetonka</a>	50	0.85%
<a href="#">Watercraft Spaces</a>	50	0.85%
<a href="#">Elections, Voting</a>	49	0.84%
<a href="#">Comp Plan</a>	46	0.79%
<a href="#">St. Alban's Bay Lake Improvement District</a>	45	0.77%
<a href="#">City Newsletters</a>	41	0.7%
<a href="#">Meetings on TV</a>	37	0.63%
<a href="#">Homesteading</a>	35	0.6%
<a href="#">Meetings</a>	34	0.58%
<a href="#">Sewer, Stormwater, Water, Garbage, Recycling</a>	33	0.56%
<a href="#">Fire Department</a>	33	0.56%
<a href="#">Search Results</a>	32	0.55%

<a href="#">Email Sign-Up</a>	31	0.53%
<a href="#">Tour de Tonka</a>	31	0.53%
<a href="#">Recreation, Amenities</a>	30	0.51%
<a href="#">Coyotes &amp; Animal Services</a>	30	0.51%
<a href="#">Tree Contractors</a>	29	0.5%
<a href="#">Finances, Taxes, Assessments</a>	29	0.5%
<a href="#">Well Water</a>	28	0.48%
<a href="#">July 4th</a>	28	0.48%
<a href="#">Toilet Drain Guide</a>	27	0.46%
<a href="#">Old Log Events</a>	27	0.46%
<a href="#">News, Events</a>	27	0.46%
<a href="#">Emergency Preparedness</a>	25	0.43%
<a href="#">Luck O' the Lake</a>	19	0.32%
<a href="#">Smoke Testing</a>	18	0.31%
<a href="#">Library Events</a>	18	0.31%
<a href="#">SABLID Email Sign-Up</a>	18	0.31%
<a href="#">Christkindlsmarkt</a>	16	0.27%
<a href="#">Unsubscribe</a>	4	0.07%
<b>TOTAL</b>	<b>5853</b>	<b>100%</b>

### Unique IPs by Section

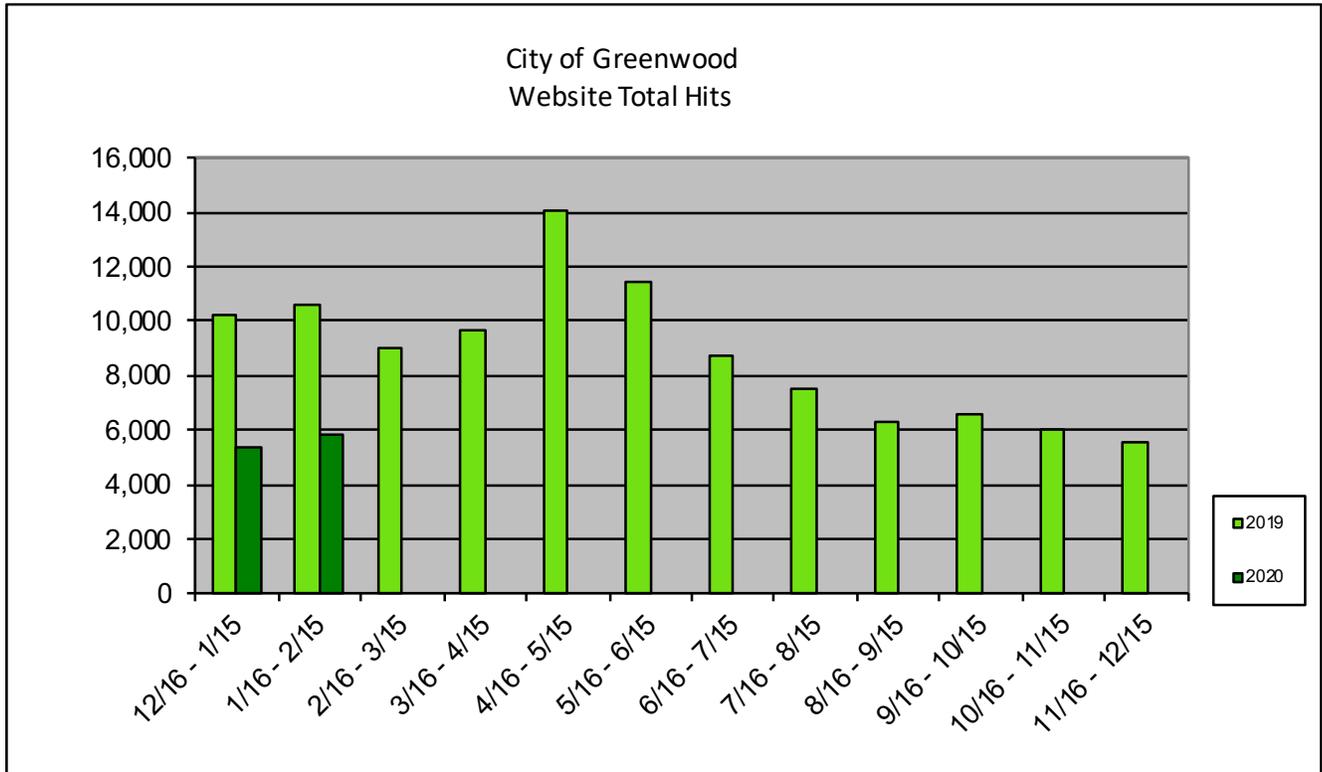
Section	Unique IPs	Percent of Total IPs
Default Home Page	750	28.33%
Agendas, Minutes, Meeting Packets	240	9.07%
City Departments	212	8.01%
Welcome to Greenwood	146	5.52%
Code Book of Ordinances	93	3.51%
Planning Commission	68	2.57%
Mayor & City Council	66	2.49%
Forms, Permits, Licenses	59	2.23%
Assessments & Taxes	52	1.96%
Garbage & Recycling	46	1.74%
Photo Gallery	44	1.66%
Public Safety	37	1.4%
St. Alban's Bay Lake Improvement District	36	1.36%
Lake Minnetonka	35	1.32%
Links	35	1.32%
Parks, Trails & Watercraft Amenities	35	1.32%
RFPs & Bids	35	1.32%
Watercraft Spaces	34	1.28%
Elections, Voting	34	1.28%
Spring Clean-Up Day	33	1.25%
Agendas, Minutes, Meetings	33	1.25%
Comp Plan	31	1.17%
City Newsletters	31	1.17%
Community Surveys	29	1.1%
Fire Department	28	1.06%
Meetings	25	0.94%
Meetings on TV	24	0.91%
Email Sign-Up	22	0.83%
Recreation, Amenities	22	0.83%
Sewer, Stormwater, Water, Garbage, Recycling	22	0.83%
Homesteading	21	0.79%
Search Results	21	0.79%
Tree Contractors	20	0.76%
Budget & Finances	19	0.72%
Well Water	19	0.72%
Finances, Taxes, Assessments	19	0.72%
Tour de Tonka	19	0.72%
News, Events	19	0.72%



Emergency Preparedness	17	0.64%
Toilet Drain Guide	17	0.64%
July 4th	17	0.64%
Coyotes & Animal Services	17	0.64%
Luck O' the Lake	14	0.53%
Old Log Events	14	0.53%
Smoke Testing	10	0.38%
Library Events	9	0.34%
SABLID Email Sign-Up	9	0.34%
Christkindlsmarkt	7	0.26%
Unsubscribe	2	0.08%
<b>TOTAL</b>	<b>2647</b>	<b>100%</b>

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

**Done**



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	5,853	498	-4,723	175
2/16 - 3/15	9,038		-5,853	-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
<b>AVERAGE</b>	<b>8,811</b>	<b>5,604</b>			

**POPULATION: 724**  
**EMAIL ADDRESSES % OF POPULATION: 24.61%**

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



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, February 12, 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 Kelsey Nelson and David Steingas

Members Absent: Commissioner Julie Getchell and Dean Barta

Others Present: City Engineer David Martini, Interim Zoning Administrator Dana Young, and Council Liaison Kristi Conrad

## 2. MINUTES – Regular meeting of January 8, 2020.

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

## 3. PUBLIC HEARINGS

**3a. Consider the conditional use permit and variance requests of James and Jessica Benning, 21915 Fairview Street, for a variance to exceed the maximum allowable construction-related tree removal, and a conditional use permit to regrade portions of the property in conjunction with the construction of a new house.** — Section 1140.80 Subd. 4(B)(2) of the city ordinance limits tree removal for a new construction project to 20% of the total diameter inches of significant trees on a property and the applicants propose to remove 27% of the diameter inches of trees for the property. Section 1140.19 Subd. 3 of the city ordinance requires a conditional use permit for any the grading or site/lot topography alteration request that increases or decreases the average grade (existing compared to final conditions) by more than 1 foot in any 300 square foot area. The proposed project will exceed these grading thresholds.

Lucking introduced the agenda item and opened the public hearing.

John Erickson, 5085 Meadville Road, stated his concerns regarding the height of the proposed retaining wall, which would be located next to his property line, and with the drainage impact on his property from the construction of the new house. He provided a PowerPoint of the site map and showed the current drainage that gathered in the natural swale or depression located in the front of the property. He stated that the fill for the retaining wall would cut into this natural swale area. He stated that Zoning Coordinator Dale Cooney had noted that some areas of the retaining wall could be 6 feet high. He stated he is concerned about the appearance and drainage impact of a wall of that height. He asked if consideration had been given to constructing a taller foundation and tapering out the grade or dropping the garage and house down. He stated that he would be interested in any ideas to keep it more natural so he doesn't have to look at such a big retaining wall. He added that he thought the building placement was fine.

Julie Ekelund, 5085 Meadville Street, stated that water runoff comes down Fairview Street and gathers in their driveway. She stated that her husband has to chip the ice to try to get the water off of the street and into the pond or to the ditch that outlets into the lake. She stated that there are already problems with water ponding on Meadville Street and doesn't want to see it increase. She added that this problem could be compounded when a home on the other vacant lot is constructed.

Todd Simning, builder for the property owners, stated that his engineer has talked with Bob Bean of Bolton & Menk regarding the drainage on this property. He stated that the current drainage plan as recommended by the City Engineer would shift the retaining wall further back from the property line to better access the infiltration basin.

City Engineer David Martini stated that the retaining wall would be moved closer to the house and the swale and roof drains would be directed to the infiltration basins.

Todd Simning stated that the general rule is that the development of a property cannot add additional storm water over and above the existing storm water. He added that the retaining wall should be under 4 feet in height.

David Martini added that the wall will be 4 feet with the ground sloping up to the house.

Todd Simning stated that the basement has to be 3 feet above the ordinary high water, which accounts for some of the elevation of the house. He stated that they would add natural boulder walls for the retaining wall, which provides for a more natural setting. He reiterated that they want to keep the retaining wall below 4 feet.

David Steingas asked why they weren't building a walk out.

Todd Simning stated that there is nothing to walk out to.

David Steingas stated that after approving this subdivision, they were told that the subdivision would not require any variances. He stated that the neighbors were assured that there would be no variances.

Todd Simning stated that a walk out would look a little funky.

David Steingas suggested switching the garage to the high side.

Todd Simning stated that no matter the design, we would still be here asking for a variance because the 1 foot grade increase in a 300 square foot area is fairly restrictive and for tree removal. He stated that he was unaware at the time of the subdivision review that the 1 foot grading rule would require a variance.

Kristi Conrad asked if he knows anything about construction timelines on the vacant other lot.

Todd Simning stated that he didn't know anything about the construction of the other vacant lot.

Julie Ekelund asked about the tree removal requirements. She stated that the City Code limits tree removal to 20% yet Dale Cooney mentions that the amount of tree removal could be anywhere between 27% - 36%.

Pat Lucking stated that Dale gave the applicants credit for removing three problematic trees, which would lower their percentage from 36% to 27%. He stated that the City Arborist thought at least two of the trees in question would survive.

Julie Ekelund stated that she was comfortable with the tree removal as long as the tree replacement brings it back in line.

After hearing no further comments, Pat Lucking closed the public hearing at 7:27 p.m.

David Steingas stated that he has less of a problem with the tree removal as the applicant can plant more and better trees. He stated that the grading issue for him is huge. He stated that the retaining wall could be eliminated by flipping the garage to the high side of the property. He stated that during the review of the subdivision plan, they didn't think there would be any variances needed. He stated that this is his opinion unless the City Engineer can convince him that the water will not be a problem.

David Martini stated that, as presently shown, the retaining wall is too close to the property line to adequately maintain flow to Fairview Street.

Kelsey Nelson asked if the proposed storm water mitigation for this property would make the drainage better.

David Martini stated that you are adding hardcover to a property where there was none. He stated that the infiltration basins will help, unless the basins are full or frozen.

David Steingas stated that removing the retaining walls will allow the water to go where it normally goes.

Kristi Conrad stated that taking away the retaining walls would still require storm water mitigation. She stated that you would direct the water to the pond in the backyard, which might be a big advantage. She stated that drainage often just moves the problem from one property to another. She stated that storm water issues are a nightmare for the city.

David Martini stated that some of the water can go to the pond but Meadville and Fairview are very flat streets and it is hard to do anything with these streets to control runoff. He noted that the pond also has a pump in it to remove excess water so the whole area is challenging.

Todd Simning stated that the retaining walls are not something we have to have. He suggested the possibility of expanding the infiltration basins. He stated that it would be difficult to move a basin to Fairview Street due to the high water table.

David Martini stated that maintaining the existing drainage is preferred, although the infiltration basins would help. He stated that we don't have storm water infrastructure in place and have to rely on natural depressions and ponds to handle drainage.

David Steingas recommended designing a house to fit the lot rather than designing the lot to fit the house.

Pat Lucking also recommended that the applicant make some changes to adapt to the lot. He noted that they may never meet the 1 foot in 300 S.F. standard.

Todd Simning stated that they will revise their plans.

David Steingas cautioned that they might run into a building volume issue and they should check into this carefully. He reiterated his suggestion that they eliminate the retaining wall and drop the grade.

Julie Ekelund asked what happens if the drainage doesn't work.

David Steingas stated that why we have a City Engineer.

Todd Simning stated that increasing the infiltration basins will help.

Julie Ekelund stated that she doesn't want more water added to the ditch.

David Martini stated that they try to find a solution to drainage problem and determine whether it is a City issue, or a homeowner solution, or both. He stated that there is already a drainage problem here.

Julie Ekelund stated that she doesn't want it to be a financial hardship for them.

David Martini stated that the direction is to maintain the drainage patterns and include infiltration basins. However, there is nothing that is proposed that will make the drainage better.

Pat Lucking asked if there was a marsh behind the Ekelund's house.

Kristi Conrad stated that there is a marsh but it was landlocked.

Julie Ekelund stated that there might be a potential solution by installing pipe under their driveway and draining the excess storm water runoff into the pond.

The Commission requested the applicant to return to the Planning Commission with revised plans as discussed tonight for further review at their March 10<sup>th</sup> meeting.

**3b. Consider Amending Greenwood Ordinance Code Section 1102 Definitions and Section 1140.10 Subd. 2(C) Regarding Accessory Structure Lake Setbacks**

Pat Lucking stated that the intent of this ordinance is to clarify some discussion that was held between Dale and the City Council.

Kelsey Nelson stated that the ordinance proposes to establish setbacks and add clarity.

Kristi Conrad stated that the Council is trying to avoid the installation of patios within the 50' lake yard setback.

David Steingas stated that he struggles with the language in the proposed ordinance that refers to "crushed or smooth rock, sand" being included in the definitions of deck and patio. He stated that these are permeable surfaces and should not be included as part of hardcover.

Kelsey Nelson noted that the ordinance is not calling this hardcover but part of the definition of a deck and patio.

David Steingas stated that he wants to allow "crushed or smooth rock, sand".

Kristi Conrad stated that this doesn't have anything to do with hardcover, the ordinance is trying to restrict use.

Pat Lucking noted that it's defining a space.

Kristi Conrad stated that the ordinance would shift everything back to a 50' lake yard setback.

David Steingas stated that you should be able to put a permeable material within the 50' setback.

Kelsey Nelson noted that we are retroactively addressing all of those things that we are currently permitting.

Motion by Pat Lucking to recommend approval of the proposed ordinance subject to removing "crushed or smooth rock, sand" from the definition of deck and patio. Seconded by David Steingas. Kelsey Nelson voted against stating that she prefers to remove all of the verbiage under the definition of deck and patio. Motion carried 2-1.

**4. OLD BUSINESS**

**4a. Discussion on design revisions related to the request of Precision Builders, LLC, contractor for the property owners at 21750 Byron Circle for a conditional use permit to install retaining walls within the lake yard setback and to regrade the lake yard areas of the property.**

Mike Peterson and Roland Aberg, with Precision Builders, were present to submit their revised design plans for 21750 Byron Circle. Mike Peterson stated that they had met with the City

Council on February 5<sup>th</sup> and the plans had changed significantly enough that the Council asked them to bring it back to the Planning Commission for their review.

Roland Aberg provided a PowerPoint presentation on their revised landscaping plan. The plan showed an overall reduction from 147 L.F. of retaining wall within the 50' lake yard setback to 76 L.F. On the south side, two 4' retaining walls were proposed instead of one 10' wall. The furthest wall on the south side would encroach 6' into the 50' lake yard setback. On the north side, one 2' retaining wall would be installed, which would encroach 15' into the 50' lake yard setback. Roland Aberg stated that the effect of rebuilding the retaining walls on the north and south side would enable the removal of all other retaining walls within the 50' setback, establish slopes of 2:1 that would allow for native plantings, improve erosion, and allow for a much more attractive property.

Further discussion was held on reducing the encroachment into the 50' lake yard setback, particularly with the egg-shaped area on the north side that included the 2' retaining walls that encroached 15' into the setback. Roland Aberg stated that pushing the retaining wall on the south side further back would make it more difficult to obtain a 2:1 slope, adversely impact the roots of existing trees, and make the area less attractive.

Pat Lucking stated that it would be good to get the walls moved back from the 50' setback.

Mike Peterson stated that they need to maintain the 2:1 slope for the plantings. He stated he is not sure how this could be accomplished if the walls were moved back. He added that they will be removing a lot of hardcover within the 50' setback and would like the Commission to acknowledge that they have made a significant improvement with their revised landscaping plan.

David Steingas asked about the proposed metal bunker, which was now out of the 50' setback. He noted that there would be no hardcover issue with the bunker as there would be grass over the top.

David Steingas stated that he didn't object to the 2' retaining wall that encroached into the 50' setback. He noted that this plan proposed to remove all other retaining walls within the setback area. He stated that this was a major improvement in his mind and it was only a 2' high wall. He added that the 2:1 slope is a huge improvement, particularly in terms of helping to prevent erosion of the hillside.

Kelsey Nelson stated that she liked the fact that the wall was substantially moved back on the south side and recommended that the applicants provide an elevation plan for the Council.

Motion by David Steingas to recommend approval of the landscaping proposal as submitted. Seconded by Kelsey Nelson. Motion carried 3-0.

## **5. NEW BUSINESS**

Dana Young stated that the original date of March 11<sup>th</sup> for the joint Council / Planning Commission Worksession is not going to work. The Council has rescheduled the joint worksession for Mary 13<sup>th</sup>.

Dana Young stated that the terms of office for David Steingas and Kelsey Nelson are set to expire in March 2020. He asked if any the Commissioners were interested in serving a second term of office. Both David and Kelsey stated that they were agreeable to serving a second term.

## **6. LIAISON REPORT**

Kristi Conrad provided a brief update on the role of Planning Commission in terms of their review of future projects.

## **7. ADJOURN**

Motion by David Steingas to adjourn the meeting. Kelsey Nelson seconded the motion. Motion carried 3-0. The meeting was adjourned at 9:05 p.m.

Respectively Submitted,  
Dana Young – Interim Zoning Administrator