

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 10th 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 5th 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 11th for the joint Council / Planning Commission Worksession is not going to work. The Council has rescheduled the joint worksession for Mary 13th.

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