

MINUTES

Greenwood City Council Meeting

Wednesday, April 3, 2024

Deephaven City Council Chambers

20225 Cottagewood Road, Deephaven, MN 55331



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

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

Members Present: Mayor Fletcher and Councilmembers Brian Malo, Jennifer Gallagher, Mike Marti

Members Absent: Councilwoman Conrad

Staff Members Present: City Zoning Administrator Scott Richards, City Engineer Dave Martini

Motion by Malo to approve agenda. Second by Gallagher. Motion passed 4-0.

2. CONSENT AGENDA

- A. Approve: 03.06.24 City Council Worksession Minutes
- B. Approve: 03.06.24 City Council Meeting Minutes
- C. Approve: Feb. Profit & Loss
- D. Approve: Feb. Cash Summary
- E. Approve: March Check Detail
- F. Approve: April Payroll Report
- G. Approve: YTD Profit & Loss Budget vs. Actual
- H. Approve: July 4th Contribution to Chamber of Commerce

Motion by Malo to approve consent agenda. Second by Gallagher. Motion passed 4-0.

3. MATTERS FROM THE FLOOR - NONE

4. PRESENTATIONS, REPORTS, GUESTS, AND ANNOUNCEMENTS

- A. Presentation: City Engineer Dave Martini, 2024 Street Planning

City Engineer, Dave Martini, discussed Greenwood's 10-year Street Improvement Plan that was created in 2022 (attached in council packet), and the proposed improvements for 2024, which include seal coating on Lodge Lane, Sleepy Hollow Road, and St. Alban's Bay Road.

Martini conducts a yearly spring road trip with the mayor and a councilmember to evaluate the condition of Greenwood city streets. According to the 10-year Street Improvement Plan, 2024 street maintenance should include seal coating of Lodge Lane, Sleepy Hollow Road, and St. Alban's Bay Road. He does have concerns over the current condition of Byron Circle, and would like the council to consider adding this street to the maintenance schedule this year.

Councilman Marti stated road maintenance philosophy has changed from fixing the road in the worst condition first to treatment of streets by performing the right thing at the right time to the right road. He would like the council to consider working with neighboring cities for street maintenance as there may be a price savings by doing so. He would like Martini to work on getting bids. Marti will work on getting more information on alternate road treatments to bring to the May council meeting.

Motion by Marti to authorize city engineer, Dave Martini, to put together a bid package for seal coating of the roads identified in the 10-year plan for the 2024 season for the council to consider at the May council meeting. Second by Malo. Motion passed 4-0.

Martini also discussed the Lake Minnetonka LRT Regional Trail section across from Curve Street. This is a narrow section of the trail that is very close to the road and is a safety concern. Initial plans to address this were approximately \$150,000. Another option that could be more cost effective would be to grade this section of the trail. Any project work would affect the adjoining property owner's landscaping, and an allowance for landscaping would also need to be considered.

Motion by Marti to authorize city engineer, Dave Martini, and his staff to put together preliminary plans for the trail to leverage the contour and remove the existing retaining wall. Second by Gallagher. Motion passed 4-0.

- B. Announcement: CliftonLarsonAllen, Status of Required Reports to the Office of the State Auditor
- C. Announcement: Local Board of Appeal & Equalization Meeting Convenes, 6pm 04.04.24
- D. Announcement: City Council / Planning Commission Joint Worksession, immediately following the Planning Commission Meeting on 05.08.24

5. PUBLIC HEARINGS - NONE

6. ACTION RELATED TO PUBLIC HEARINGS - NONE

7. PLANNING, ZONING & SUBDIVISION ITEMS

A. Consider: Res 05-24, 5195 Greenwood Circle Variance

Zoning administrator Scott Richards provided an update to the council regarding the application for a variance at 5195 Greenwood Circle.

Sumit Kapur and Prita Uppal requested variances to remodel and construct additions to the existing single-family dwelling at 5195 Greenwood Circle (PID 27-117-23-42-0041). The lot size is 7,786 square feet and on the corner of Greenwood Circle that curves to the east and Greenwood Circle that continues south to the lake. The property is zoned R-1, Single Family Residential District.

The City Council, at their February 7, 2024, meeting approved a motion to send the application back to the Planning Commission in that there were changes made to the plans after the public hearing. Additionally, the plans have been further revised since the City Council meeting to better conform with the requirements.

The Planning Commission, at their March 13, 2024, meeting recommended approval of the requested variances. The recommendation of approval did not include any requested changes to the plans as submitted.

The following lists the original requests and the revised requests with the revised plans that have been submitted:

- A variance will be required for the west exterior side yard setback where 30 feet is required, and where the columns will have a 5.1-foot setback, and the steps from the front deck will be setback 4.2 feet. The access to the front at upper Greenwood Circle has been removed. No change is proposed for the front or the east side yard setback.
- A variance is required for wall heights proposed at 13.6 feet on the west with the new front entry cover and 22.1 feet for the east side with the additional roof structure.
- A variance is required for hardcover. The lot would allow hardcover of 32.2 percent. Currently the hardcover is 2,765 square feet or 35.5 percent. The proposed hardcover is 2,762 square feet or 35.47 percent, a reduction of three-square feet. A variance is still required in that alterations are being made to the site that affect hardcover, and it is still over the allowed 32.2 percent.
- A variance will be required for an increase of the interior setback of 5 feet if the exterior walls are more than 70 feet in length. The length of the house will not change and remain at 92.1 feet.
- A variance was required for the proposed building volume. The size of the house expansion has now been reduced. The lot would allow for 43,144 cubic feet of volume, and with the revised plans, is now 42,833 cubic feet. The variance is not required.
- A variance/conditional use permit was required for two driveway curb cuts, 19 feet apart, to Greenwood Circle. The Applicants have now removed the proposed turnaround drive and the access from that portion of the house in the revised plans. No variance and conditional use permit are now required for that request.

Blake Swanson, the contractor for the proposed project, addressed the council. Scott Richards will update the current resolution 05-24 to include the additional setback of 20 inches for the roofline of the front entry structure, and in condition 1, include a reference to the updated plans of March 14, 2024.

Motion by Gallagher to move the city council adopts resolution 05-24 laying out the findings of fact approving the variances to allow a remodel and construction of additions to a single family dwelling at 5195 Greenwood Circle, Greenwood, with the following revisions: include additional setback of 20 inches for the roofline of the front entry structure, and in condition 1, include a reference to the updated plans of March 14, 2024; further move that the council directs the city clerk to mail a copy of the findings to the applicant. Second by Marti. Motion passed 4-0.

B. Consider: Res 13-24, 5105 West Street Variance

Zoning administrator Scott Richards provided an update to the council regarding the application for a variance at 5105 West Street.

Property owners Katie and Marty Weber have requested a variance to allow a front yard setback of 22.6 feet for an addition to an existing single-family house at 5105 West Street, Greenwood, MN 55331 (PID 26-117-23-31-0019). The property is zoned R-1, Single Family Residential District. The following request has been made:

- Section 1120.15 of the Greenwood Code requires a 30-foot front yard setback for a single-family structure. The proposed house addition is setback 22.6 feet to accommodate the expansion of the house and a front porch. The side yard setback requirement of 14 feet is met with the addition.

Motion by Marti to move the city council adopts resolution 13-24 laying out the findings of fact approving the front yard setback variance to allow construction of a house addition and a front porch to an existing single-family dwelling at 5105 West Street as written; and further move that the council directs the city clerk to mail a copy of the findings to the applicant and place an Affidavit of Mailing for each of the mailings in the property file. Second by Malo. Motion passed 4-0.

C. Consider: Res 14-24, 5545 Maple Heights Road Variance & Conditional Use Permit

Zoning administrator Scott Richards provided an update to the council regarding the application for a variance and condition use permit at 5545 Maple Heights Road. Property owner Barbara Byrne also addressed the council.

Property owners Barb and Larry Byrne have requested the variances and a conditional use permit to construct a 24 ft x 24 ft garage adjacent to the existing single-family dwelling at 5545 Maple Heights Road (PID 35-117-23-11-0088). The property is zoned R-1, Single Family Residential District. The following requests have been made:

- Section 1140.10 of the Greenwood Code requires a 100-foot front yard setback for a primary accessory structure. The proposed garage is setback 9.4 feet from Maple Heights Road and 48.8 feet from Crestside Avenue.
- In Section 1120.20, the ordinance limits the size of the garage to 60 percent of the main floor square footage of the house. The size of the proposed garage will be 68.4 percent of the main floor of the house.
- Section 1140.19, Subd 3 of the Greenwood Code requires a Conditional Use Permit for any grading or site/lot topography alteration request increasing or decreasing the average grade by more than 1 foot in any 300 square foot area. The proposed grading will exceed this limit.

Motion by Marti to move the city council adopts resolution 14-24 laying out the findings of fact approving the front yard setback variances, a variance for the size of the structure in comparison to the principal structure, and a conditional use permit to exceed grading limits for a new garage at 5545 Maple Heights Road with the following revisions: added language to Condition 1 – The location of the garage and retaining wall shall be allowed to vary no more than five feet further away from Maple Heights Road based upon the approved plans and subject to the Zoning Administrator and City Engineer. I further move that the council directs the city clerk to mail a copy of the findings to the applicant and place an Affidavit of Mailing for each of the mailings in the property file. Second by Gallagher. Motion passed 4-0.

D. Consider: Ord 339, Res 11-24 Summary of Ord 339, Building Width Code Amendment

Zoning administrator Scott Richards provided an update to the council regarding proposed changes to the city code building width requirements.

The City Council asked the Planning Commission to review an amendment to the Zoning Ordinance related to the required width of a principal structure. Most ordinances include a 24-foot minimum width to reflect a more common

standard in the building industry. The proposed amendment to the minimum building standards is as follows. New language is in bold.

Section 1120.20. R-1 Minimum Building Standards.

Subd. 1. Principal structures in the district shall:

- (a) not exceed 28 ft in building height and 42 ft in structure height;
- (b) not have any wall heights that exceed 1.5 times the wall's side yard setback distance within 20 ft of the side property line. Example: The maximum wall height for a principal structure wall located 15 ft from the side property line is 22.5 ft. If there is a second wall located above this first wall but set back an additional 3 feet (18 feet from the side property line), the maximum wall height is 27 ft for the second wall.

Note: It is very important to refer to the Wall Height and Building Perimeter Grade definitions in section 1102 when calculating measurements;

- (c) have a minimum width of ~~25~~ **24** ft;
- (d) have a minimum footprint area of 800 sq ft;
- (e) be served by an attached or detached garage and a hard-surfaced driveway to the public street (see section 1140.46); and meet all current standards of city building codes and appendices.

The Planning Commission, at their March 13, 2024, meeting, opened the public hearing, (there were no public comments), and recommended the amendments in the draft Ordinance 339.

Motion by Marti that the city council (1) approves the 1st reading of Ordinance 339; (2) waives the 2nd reading; (3) approves summary resolution 11-24; and directs that the summary ordinance is published in the City's official newspaper. Second by Malo. Motion passed 4-0.

E. Consider: Ord 340, Res 12-24 Summary of Ord 340, Building Volume Code Amendment

Zoning administrator Scott Richards provided an update to the council regarding proposed changes to the city code building volume requirements.

The City Council asked the Planning Commission to review an amendment to the Zoning Ordinance related to a discrepancy in allowable building volume. As part of the review of allowable building volume at 5195 Greenwood Circle with a lot size of 7,786 square feet, the issue was realized. For lots of 7,500 square feet, the allowable building volume for a house would be 45,000 cubic feet. On a lot 7501 square feet, the allowable volume would be 42,004 cubic feet. For lots between 7,500 square feet and 15,000 square feet the formula would need to be amended to allow a volume not greater than a volume equal to 45,000 cubic feet (currently 42,000 cubic feet) plus a volume equal to a figure 4 times (lot area minus 7500 square feet). The revised language is as follows with the new language in bold.

Section 1140.18. Building Volume Structure Limitations (Subd. 3, line item 2)

(2) Lots between 7500 square feet and 15,000 square feet in area may be host to buildings, structures, and accessory structures whose above grade building volume is not greater than a volume equal to ~~42,000~~ **45,000** cubic feet plus a volume of cubic feet equal to a figure 4 times (lot area minus 7500 square feet).

Motion by Malo to move the City Council (1) approves the 1st reading of Ordinance 340; (2) waives the 2nd reading; (3) approves summary resolution 12-24; and directs that the summary ordinance is published in the City's official newspaper. Second by Gallagher. Motion passed 4-0.

8. UNFINISHED BUSINESS

A. Tennis Court Update

Councilman Marti provided an update to the council regarding the tennis court repairs. In his view, the tennis court is beyond resurfacing repairs. Other issues are the southwest corner of the court, the proximity to property line, and the possibility of an easement needed. Costs could be up to \$50,000. Hennepin County offers a youth grant program that could be utilized to help pay for the court. There are also dedicated park funds of approximately \$35,000. At the next council meeting, Councilmembers Marti and Conrad will have more information about next steps and opportunities for public input on the project.

9. NEW BUSINESS

A. Consider: Old Log Theater, Prorated Refund of Liquor License

The City of Greenwood received an inquiry for a prorated refund of the 2024 liquor license fees paid. The Old Log Theater and Cast & Cru Restaurant were closed March 2, 2004. Mayette Enterprises, LLC paid \$10,700 to the City of Greenwood for the 2024 liquor license. The application submitted for this license is included in the council packet. The application fee was \$10,000 for the On-Sale Liquor fee, \$200 for the Sunday Service fee, and \$500 for the investigation fee. Greenwood Code Sections 510.00 and 820.40 do not currently provide for proration of liquor license fees. However, the City Council did refund part of the Old Log's liquor license fee during the Covid pandemic.

Council discussion and consensus was reached that this item should be added to the September council meeting agenda.

B. Consider: Republic Recycling Contract and Garbage Collection

Greenwood's current recycling contract with Republic Services is set to expire on August 31, 2024 (included in council packet). The neighboring Cities of Deephaven and Excelsior use Republic Services exclusively for both trash and recycling collection. The City of Shorewood does not have an exclusive trash hauler, and their trash pickup day is on Wednesday. Because of Greenwood's small size the council may want to investigate moving Greenwood's trash and recycling pickup days to Wednesday to coincide with Shorewood and potentially increase the trash hauler options for Greenwood residents. A new recycling contract may provide the opportunity to make this change.

Council discussion and consensus was reached that this item should be added to the May council meeting agenda to allow time for quotes to be received.

10. OTHER BUSINESS - NONE

11. COUNCIL REPORTS

A. Conrad: Administrative Committee, LMCC, Park

No report. Councilwoman Conrad absent.

B. Gallagher: Fire Board

No council action taken.

View report online at www.lmcc-tv.org

C. Fletcher: Administrative Committee, Building Code Enforcement, Mayors' Meetings, SLMPD Coordinating Committee & Operating Committee

Add a budget worksession at 6pm on June 5, 2024.

No council action taken.

View report online at www.lmcc-tv.org.

D. Marti: Planning Commission, Public Works

Motion by Marti to coordinate with the city of Deephaven to have 2 street sweepings completed on Greenwood city streets in 2024. Second by Malo. Motion passed 4-0.

Motion by Malo to authorize Councilman Marti to coordinate with the city of Deephaven for lift station inspections. Second by Gallagher. Motion passed 4-0.

View report online at www.lmcc-tv.org.

E. Malo: City Docks, LMCD, Minnetonka Community Education, SABLID

No council action taken.

View report online at www.lmcc-tv.org.

12. ADJOURNMENT

Motion by Malo to adjourn the meeting at 9:32 pm. Second by Marti. Motion passed 4-0.

This document is intended to meet statutory requirements for 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 at lmcc-tv.org for 1 year.