

AGENDA

Greenwood Planning Commission Meeting

7:00 pm, Wednesday, January 11, 2023

Deephaven City Council Chambers

20225 Cottagewood Road

Deephaven, MN 55331

1. CALL TO ORDER – ROLL CALL – APPROVE AGENDA
2. APPROVE MINUTES OF REGULAR MEETING – November 9, 2022
3. PUBLIC HEARINGS
 - A. An amendment to the City Code, Chapter 3, Sections 305, 311, and Chapter 11, Section 1177 related to updating language to comply with Minnesota Stormwater Pollution Prevention Plan requirements.
4. OLD BUSINESS
 - A. Accessory Buildings/Principal Structure
5. NEW BUSINESS
6. LIAISON REPORT
7. ADJOURN

Next Council Meeting – Wednesday, February 1, 2023

Next Planning Commission Meeting – February 8, 2023

MINUTES

Greenwood Planning Commission Meeting

Wednesday, November 9, 2022



1. CALL TO ORDER | ROLL CALL | APPROVE AGENDA

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

Members Present: Chairman Pat Lucking, Commissioner Mark Krezowski, Commissioner Brandon Audette

Members Absent: Commissioner Julie Getchell, Commissioner Kimball Anderson

Others Present: Zoning Administrator Scott Richards

Motion by Audette to approve the agenda. Second by Krezowski. Motion passed 3-0.

2. MINUTES – REGULAR MEETING OF OCTOBER 12, 2022

Motion by Audette to approve the minutes of October 12, 2022. Second by Krezowski. Motion passed 3-0.

3. PUBLIC HEARINGS

- A. A request by Jill and Reid Trautz for a conditional use permit to exceed grading limits for landscaping and retaining wall replacement at 4950 Meadville Street.

Zoning Administrator Richards reviewed the planning report. The Planning Commission asked questions about the application and site plan. Krezowski asked if the adjoining neighbor had agreed to the landscaping that is shown on the site plan and encroaches on their property. Bob Wallace, the landscape architect for the project stated that he had not discussed the landscaping with the adjoining neighbor but will do so before installation. Audette asked if the retaining wall is the same height as the existing wall. Mr. Wallace confirmed that it was.

Chair Lucking opened the public hearing. There were no members of the public that spoke to the application.

Krezowski motioned to close the public hearing. Second by Audette. Motion passed 3-0.

Krezowski motioned to recommend approval of the Conditional Use Permit for grading with two conditions. (1) That the final plans and drainage issues be approved by the City Engineer and (2) That the landscaping encroaching on the neighbor's lot at 4940 Meadville Street is subject to their approval. Second by Audette. Motion passed 3-0.

- B. To consider an amendment to the current noise regulations in the City Code that are not consistent with the Minnesota Pollution Control Agency standards and measurement procedures. The amended code will remove the current noise regulations and reference Minnesota Statutes Section 116.07 which establishes noise pollution control in the Minnesota Administrative Rules, Chapter 7030.

Zoning Administrator Richards provided a summary of the proposed amendment. The Planning Commission asked questions. Audette asked about different faith traditions and Saturday and Sunday construction. Chair Lucking opened the public hearing. There were no members so the public that spoke to the application.

Audette motioned to close the public hearing, second by Krezowski. Motion passed 3-0.

Krezowski motioned to recommend approval of the ordinance amendment with the language provided by staff. Second by Audette. Motion passed 3-0.

C. To consider an amendment to the City Code to add a definition of boulevard in Section 1102.00 and clarify the language and intent of the required landscaping provisions in Section 1140.60. Subd. 2.

Zoning Administrator Richards provided a summary of the proposed amendment. The Planning Commission asked questions. Krezowski asked about fire lanes and maintenance. Audette stated that boulevards should be the adjacent owner's responsibility.

Krezowski motioned to close the public hearing, second by Audette. Motion passed 3-0.

Audette motioned to recommend approval of the ordinance amendment with the language provided by staff. Second by Krezowski. Motion passed 3-0.

4. UNFINISHED BUSINESS – NONE

5. OLD BUSINESS

A. Accessory Buildings/Principal Structure. Zoning Administrator Richards reviewed the issue. The Planning Commission asked questions and Chair Lucking asked if the Conditional Use Permit process is necessary or if it could be an administrative approval. Zoning Administrator Richards indicated that a conditional use permit process would allow for neighborhood notification and an opportunity to express concerns. The Planning Commission agreed that staff should make some minor changes to the draft for their review at the next meeting.

Krezowski motioned to have City Staff revise the language for review at the next Planning Commission meeting. Second by Audette. Motion passed 3-0.

6. NEW BUSINESS

Chair Lucking indicated that at the end of 2022 he will be resigning from the Planning Commission.

7. LIAISON REPORT

Council Liaison Fletcher was not present at the meeting.

8. ADJOURNMENT

Motion by Audette to adjourn the meeting at 7:52 pm. Second by Krezowski. Motion passed 3-0.

*Respectively Submitted,
Scott Richards
Zoning Administrator*



Agenda Item: Public hearing to consider an amendment to the City Code, Chapter 3, Sections 305, 311, and Chapter 11, Section 1177 related to updating language to comply with Minnesota Stormwater Pollution Prevention Plan requirements.

Summary: City Water Resources Engineer Bob Bean has completed the proposed updates to Greenwood's Stormwater Pollution Prevention Program that were required by the MS4 reauthorization in 2021. As part of the updates, modifications are required to the City Code regarding pet waste, salt management, and stormwater rules (see the attached ordinance). Since the ordinance includes changes to Chapter 11, the Planning Commission needs to hold a public hearing, review the ordinance, and make a recommendation. Bob Bean has provided the following comments about the amendments as follows:

Section 1: This condition is required to ensure compliance with the National Pollutant Discharge Elimination System (NPDES) permit for construction activity as administered by the Minnesota Pollution Control Agency (MPCA). Any activity disturbing 1 acre or more must comply with the permit requirements for erosion control and site management. Since the City has a NPDES Municipal Separate Storm Sewer System (MS4) permit from the MPCA, it is responsible for ensuring compliance with the NPDES Construction Permit with the municipality. Therefore, the inclusion of this condition in City Code will allow the City to meet the requirements of its current MS4 permit.

Section 2: The City of Greenwood's MS4 permit was reauthorized by the MPCA in 2021. Prior to the reauthorization, the MPCA revised the general requirements for MS4 permit holders to include additional discharge prohibitions in their regulatory mechanism for prohibiting non-stormwater discharges into the City's system. Inclusion of conditions for pet waste management and salt storage will allow the City to meet the requirements of its current MS4 permit.

Section 3: In conjunction with Section 2, the inclusion of enforcement items for pet waste management and salt storage will allow the City to meet the requirements of its current MS4 permit.

Section 4: This condition is required to ensure compliance with the National Pollutant Discharge Elimination System (NPDES) permit for construction activity as administered by the Minnesota Pollution Control Agency (MPCA). The Construction Permit and MS4 Permit have different requirements for stormwater runoff management for construction activities. Therefore, this revision will ensure compliance with both permits.

Section 5: The Construction Permit has been modified from time to time, and the numbering of the NPDES permit is now different than indicated in City Code. This revision will remove incorrect numbering, as well as simplify code and limit potential for future need of revisions.

Planning Commission Action: The Planning Commission should open the public hearing, take any comments, and consider the amendments in the attached draft Ordinance.

Attachments:

1. Ordinance Amending Chapters 3 and 11 to Comply with Minnesota SWPPP Requirements.

ORDINANCE NO. ____

**AN ORDINANCE OF THE
CITY OF GREENWOOD, MINNESOTA
GREENWOOD ORDINANCE CODE
AMENDING CHAPTERS 3 AND 11 TO COMPLY WITH
MINNESOTA SWPPP REQUIREMENTS**



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

SECTION 1.

Greenwood City Code, Chapter 3, Section 305 Construction Site Management, subd. 2(i) is added as follows:

- (j) For activities with a land disturbance of greater than or equal to one acre, including activities less than one acre that are part of a larger common plan of development greater than or equal to one acre, applicants shall provide evidence that proper permits have been issued by the Minnesota Pollution Control Agency.

SECTION 2.

Greenwood City Code, Chapter 3, Section 311 Stormwater, subd 311.20.06 Discharge Prohibitions, subd 4 & 5 are added as follows:

Subd. 4. Pet Waste Management.

- (a) All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

Subd. 5. Salt Storage.

- (a) Facilities storing salt must provide designated salt storage areas that are covered or indoors.
(b) Designated salt storage areas must be located on an impervious surface.
(c) Practices to reduce exposure when transferring material must be implemented at facilities storing salt.

SECTION 3.

Greenwood City Code, Chapter 11, Section 311 Stormwater, subd. 311.20.13. Enforcement is amended to read as follows:

Whenever the city of Greenwood finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, the city may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (a) The performance of monitoring, analyses, and reporting;
(b) The elimination of illicit connections, ~~or~~ discharges, ~~or pet waste~~;
(c) ~~The installation of proper salt storage facilities and implementation of proper salt handling procedures~~;
(d) The violating discharges, practices, or operations shall cease and desist;
(e) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and
(f) Payment of a fine to cover administrative and remediation costs; and
(g) The implementation of source control or treatment BMPs; and
(h) The deadline within which to remedy the violation.

SECTION 4.

Greenwood City Code, Chapter 11, Section 1177 Construction Site Run-Off Control, subd 1177.50 Scope and Effect, paragraph A is amended to read as follows:

A. Applicability. Every applicant for a building permit, subdivision approval, or a permit to allow land disturbing activities greater than or equal to 1 acre or part of a larger common plan or development greater or equal to 1 acre or smaller area where the zoning administrator determines the activity poses a risk to water resources must ~~submit a stormwater pollution prevention plan to the zoning administrator.~~ comply with the standards established by the Minnesota Pollution Control Agency's NPDES/SDS Construction Stormwater General Permit MNR100001 (CSW Permit) and the MPCA's Small Municipal Separate Storm Sewer Systems General Permit MNR040000 (MS4 Permit), including submittal of a Stormwater Pollution Prevention Plan to the Zoning Administrator. No building permit, subdivision approval, or permit to allow land

disturbing activities shall be issued until approval of the stormwater pollution prevention plan or a waiver of the approval requirement has been obtained in strict conformance with the provisions of this ordinance. The provisions of section 1177.60 (B), of this ordinance apply to all land, public or private. Nothing in this ordinance shall relieve the applicant of other county, state, federal or local watershed district requirements that may be applicable to the applicants proposed activities.

SECTION 5.

Greenwood City Code, Section 1177 Construction Site Run-Off Control, subd. 1177.60 Stormwater Pollution Prevention Plan Submittal Procedures, paragraph B Stormwater Pollution Prevention Plan is amended to read as follows:

B. Stormwater Pollution Prevention Plan. At a minimum, the stormwater pollution prevention plan shall fully comply with the requirements ~~of Parts III and IV of the~~ General Permit Authorization to Discharge Stormwater Associated with Construction Activity, Permit No. MN R100001. All submissions and notifications required Permit No. MN R100001 shall also be submitted to the zoning administrator.

SECTION 5.

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

Enacted by the city council of Greenwood, Minnesota this ____ day of _____, 2023.

____ AYES ____ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Nalisha Williams, City Clerk

CITY OF GREENWOOD

By: Debra J. Kind, Mayor

Attest: Nalisha Williams, City Clerk

First reading: _____, 2023

Second reading waived: _____, 2023

Publication: _____, 2023



Agenda Item: Planning Commission to continue discussion on allowing accessory buildings without a principal structure.

Summary: The City Council, at their July 14, 2022, meeting discussed the issues of allowing an accessory structure without a principal structure on a lot. The owners of a lakeshore lot at 5170 Queens Avenue have inquired whether they could place an accessory structure without first constructing a single-family dwelling. The lot is jointly owned by families that use it for lakeshore access. An accessory building would be used for storage of lakeshore equipment.

The Planning Commission discussed this topic at their September 7, 2022, and October 12, 2022, and November 9, 2022, meetings. The consensus was that changes could be made to allow accessory buildings without a principal structure. The Planning Commission asked City Staff to revised the language for the Ordinance change.

The definitions of structure including primary accessory, principal and secondary accessory are found as follows with the recommended revisions. Language to be struck is lined out, new language is in bold.

Section 1102. Definitions

Structure (Primary Accessory) means an uninhabited ~~subordinate~~ building or other ~~subordinate~~ structure that has a footprint that is greater than 36 square feet. ~~is located on the same lot as a principal structure, and the use is clearly subordinate to the use of the principal structure.~~ Examples of accessory structures / uses include, but are not limited to, detached garages, sheds, and storage buildings.

Structure (Principal) means the structure or building which represents the primary building or use of a given lot as permitted under the zoning code.

Structure (Secondary Accessory) means an uninhabited ~~subordinate~~ structure, equipment, or personal property ~~that is located on the same lot as a principal structure~~ whose use or enjoyment is supplementary to the use of a principal structure or a primary accessory structure. Examples of secondary accessory structures / uses include, but are not limited to, patios, decks, slabs, driveways, parking pads, sidewalks, air conditioners, generators, fire pits, outdoor fireplaces, outdoor kitchens, swimming pools, hot tubs, spas, tennis courts, sport courts, play structures, swing sets, monument signs (commercial properties), pergolas, arbors, trellises.

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

Subd. 9. Primary and Secondary Accessory Structures on Lots Without a Principal Structure. A conditional use permit shall be required for any primary accessory or secondary accessory structure when no principal structure is located on the same lot. The conditional use permit shall be subject to the following:

a. The accessory structure shall comply with all setbacks, hardcover, and general regulations pertaining to accessory structures specified within the Zoning Ordinance.

~~b. The subject property shall be owned by an adjacent property owner or group of owners.~~

Are there other conditions that the Planning Commission would consider for this section?

Planning Commission Action:

The Planning Commission should discuss the issue and determine whether a public hearing should be scheduled for the next Planning Commission meeting on this amendment.