

GREENWOOD PLANNING COMMISSION
WEDNESDAY, October 16, 2013
7:00 P.M.

1. CALL TO ORDER/ROLL CALL

Chairman Beal called the meeting to order at 7:00 p.m.

Members Present: Chairman John Beal and Commission members Kristi Conrad, David Paeper and Douglas Reeder

Absent: Chairman Pat Lucking

Others Present: Council Liaison Bill Cook, City Attorney Kelly and Zoning Administrator Gus Karpas.

2. APPROVE AGENDA

Commissioner Paeper moved to accept the agenda for tonight's meeting. Commissioner Conrad seconded the motion. Motion carried 4-0.

3. MINUTES – September 18, 2013

Commissioner Reeder moved to approve the minutes of September 18, 2013 as presented. Commissioner Paeper seconded the motion. Motion carried 3-0-1. Commissioner Beal abstained.

4. PUBLIC HEARING

Variance Request, Bridgewater Bank, 21500 State Highway 7 - Request to install awnings above the windows along the west side of their building which would encroach into the minimum required west side yard setback.

Section 1120:15 of the Zoning Ordinance requires a minimum west side yard setback of fifteen feet. The applicant proposes a west side yard setback of four feet, nine inches for the proposed awnings. The proposal requires a variance of ten feet, three inches of the west side yard setback.

Zoning Administrator Karpas summarized the request.

Jeff Wrede, Momentum Design Group, said the depth of the awnings has been reduced to two feet, two inches and they have been lowered to cover more of the windows. Mr. Wrede distributed a graphic showing the shading provided by the awnings at different hours of the day.

Commissioner Paeper asked if the applicant had spoken with the adjacent property owner. Mr. Wrede said they had not. Zoning Administrator Karpas said the adjacent property owner was notified on this and the previous variance requests.

Chairman Beal opened the public hearing. Hearing no public comment, the hearing was closed.

Commissioner Conrad noted the structure already encroaches into the setback and the proposed awnings would increase the encroachment and questioned if there were any ordinances restrictions against approving further encroachments. City Attorney Kelly said there are not and the structure is viewed as an existing non-conforming use under the ordinance.

City Attorney Kelly discussed the variance criteria.

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Commissioner Conrad noted the awnings are not part of the footprint and believes they would not count as a protected footprint under the state statutes. Zoning Administrator Karpas said they wouldn't.

Commissioner Paeper still believes the awnings would be only marginally effective in providing shading and feels their installation is more aesthetic in nature.

Chairman Beal said he can make a decision based on aesthetics without worry about setting precedent because there are very few commercial buildings in Greenwood.

Motion by Commissioner Paeper to recommend the city council approve the application of Bridgewater for a variance of Greenwood Ordinance Code section 1120:15 to permit the construction of awnings ten feet, three inches (10'-3") within the required west side yard setback as presented. The plight of the property owner is due to the size of the non-conforming lot and placement of structure on the lot, the proposal is a reasonable use of the property and the essential character would not be altered. Commissioner Conrad seconded the motion. Motion carried 4-0.

5. NEW BUSINESS

Motion by Chairman Beal to amend the agenda to discuss the recent tree removal by Naegele Outdoor Advertising Company. Commissioner Paeper seconded the motion. Motion carried 4-0.

Billboard Tree Removal – Discuss tree removal at Naegele Billboard site, 20900 Excelsior Boulevard.

Chairman Beal said he recently noticed the trees in front of the billboards on Excelsior Boulevard had been removed and new signage on the billboards. Commissioner Paeper said he also noticed that and asked if they had received a permit for the tree removal. Zoning Administrator Karpas said he was unaware of the tree removal.

City Attorney Kelly said the first step is to figure out what has been removed noting they are permitted to remove trees under the ordinance as is any property owner. Commissioner Paeper noted trees have been removed in the past which has caused the hillside to slide into the wetland.

It was suggested the Zoning Administrator visit the site and contact the Minnehaha Creek Watershed District to see if there have been any rule violations.

Discussion - Ordinance No. 224 – Discuss an Ordinance of the City of Greenwood, Minnesota Amending Greenwood Zoning Code Section 1155.10 Establishing a Process and Fee for Requesting the Extension of a Variance Approval.

Zoning Administrator Karpas read the staff memo to the Commission. He said Section 1155.10(9) of the ordinance currently limits the approval period for a variance to one year without any provisions on extending that time period. There have been instances in the past where individuals who have been issued variances have approached to the Council and asked for extensions. These requests have been heard by the Council and, if given a logical explanation why the property owner has not put the variance approval into effect, an extension granted. The proposed ordinance would codify this process and attach a fee. The first extension would be done administratively by the Zoning Administrator with subsequent requests requiring the property owner to appear before the City Council.

The Commission discussed the ordinance and was generally supportive.

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City Attorney Kelly suggested adding language noting an extension could be sought providing no code revisions to the zoning district in which the subject property was located have been adopted. He also suggested there be a point where no further extension could be sought, noting that Councils and attitudes change over time. The Commission was supportive of adding language to that effect.

Motion by Commissioner Reeder to direct staff to schedule a public hearing for the November 20th meeting for Ordinance 224 as discussed. Commissioner Paeper seconded the motion.
Motion carried 4-0

6. LIAISON REPORT

Council Liaison Cook said the Council is still studying the drainage issues at Curve Street, has passed the first reading of the R-1C Ordinance with some slight changes in the language and are currently working on the revisions on the pool ordinance.

Commissioner Conrad said she had a question about what constituted an expansion of the use at the Old Log Theater. She asked if an outdoor patio was constructed, would that be an expansion. Zoning Administrator Karpas said he would consider that an expansion because it would be bringing use from inside the structure to outside the structure, plus there is a physical change involved.

The Commission discussed the need for documentation of the existing use of the business. Councilmember Cook believes it is appropriate to document the use and regulate from that point. It is important to protect both the neighborhood and the Old Log Theater with the new ordinance.

7. ADJOURN

Motion by Commissioner Paeper to adjourn the meeting. Commissioner Conrad seconded the motion. The meeting was adjourned at 8:04 pm.

Respectively Submitted
Gus Karpas - Zoning Administrator