

**GREENWOOD PLANNING COMMISSION**  
**WEDNESDAY, FEBRUARY 20, 2008**  
**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 Lucking and Commission members John Beal, H. Kelsey Page, Todd Palmberg and Mark Spiers

Absent: Commissioner David Paeper

Others Present: Council Liaison Jeff Sagal, City Attorney Mark Kelly and Zoning Coordinator Gus Karpas.

Due to the absence of Commissioner Paeper, Commissioner Fletcher will be a voting member of the Commission.

**2. APPROVE AGENDA**

Commissioner Spiers moved to accept the agenda for tonight's meeting, with the addition of a discussion on massing under new business. Commissioner Beal seconded the motion. Motion carried 5-0.

**3. MINUTES OF January 16<sup>th</sup>.**

Commissioner Beal moved to approve the minutes of January 16<sup>th</sup>. Commissioner Page seconded the motion. Motion carried 5-0.

**4. LIAISON REPORT**

Council Liaison Sagal said the Council considered and approved the request by the Planning Commission to allow the Commission to retool the proposed massing ordinance by implementing a volume measurement process. He said he sensed the Council is very supportive of the ordinance, but agree it may need to be simplified.

**5. PUBLIC HEARINGS**

**Robert Schmitt, Jr., 21550 State Highway 7** - Request for amendments to Sections 1130 and 1140 of the city Zoning Ordinance, to expand the uses of drive up windows in the C-1 District and to allow access from commercially zoned properties onto Excelsior Boulevard by Conditional Use Permit.

Zoning Coordinator Karpas summarized the request. Commissioner Beal asked for clarification on the nature of a Conditional Use Permit. City Attorney Kelly said a Conditional Use Permit implies that the use is entitled with conditions. Once a use is established as a Conditional Use, it is often quite difficult to deny a request, especially if the expressed conditions have been met.

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Commissioner Fletcher asked if the requested amendment regarding drive up windows could be made into a Variance rather than a Conditional Use. City Attorney Kelly said a city couldn't allow by Variance what is not permitted by the code.

Commissioner Spiers asked if there were examples of ordinances regulating drive up windows that could be reviewed by the Commission. City Attorney Kelly said there probably are, but the issue the Commission is dealing with is whether they would like to expand the Conditional Uses in this Zoning District.

Commissioner Palmberg noted that expanding the uses for a drive up window would certainly allow for a diversity of businesses on the site, but questioned what the benefit was to the city. He believes the current ordinance was drafted to protect the residents along Excelsior Boulevard and those using the marked trail that crosses the subject property.

Commissioner Page stated the expansion of drive up window uses would benefit residents who use the business by providing convenience. Commissioner Palmberg noted that the property is adjacent to single family residences, which is not conducive to the use of the property for a high volume business.

Chairman Lucking believes the bigger picture is the fact that an amendment of the ordinance, in theory, would create the ability for all five businesses located in the C-1 to have drive up type establishments.

Commissioner Fletcher said the amendment could be limited to allowing only license bureaus by Conditional Use. City Attorney Kelly noted that the applicant proposes multiple uses on the property, but has not provided specific types of businesses. He said it would be helpful if the Commission had a better understanding of the proposed use.

Bob Schmitt said the plan has been to utilize the property for retail uses. He said he would like the ability to have a drive up window, which would draw businesses to his property. He noted that the proposed drive up window would be self-contained on the property and has been designed as such to allow stacking of vehicles so they aren't lined up on Excelsior Boulevard. He said the fear of all five businesses having drive up windows is not realistic due to the fact that a number of the properties are too small to accommodate one.

Commissioner Palmberg asked if the drive up lanes could be designed to utilize the existing frontage road, rather than dumping traffic onto Excelsior Boulevard. Mr. Schmitt said the intersection of the frontage road with Christmas Lake Road is a mess and redirecting traffic there would cause back ups. Palmberg reiterated that he doesn't see a benefit to the city by allowing increased traffic volume on Excelsior Boulevard.

Commissioner Page said he didn't perceive a traffic issue on Excelsior Boulevard and would support a permit process to permit drive up windows. Council Liaison Sagal

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disagreed with Page's comments regarding traffic on Excelsior Boulevard. He gave a brief history of the redesigning of Highway Seven, which has increased the traffic volume on Excelsior Boulevard. He said many people use the Excelsior Boulevard to Christmas Lake Road as a short cut to access Highway Seven. Commissioner Palmberg said as a resident along Excelsior Boulevard, he doesn't see the value in an additional curb cut.

Commissioner Spiers said it is important that the city support the growth of its businesses, including the future use of this property. He supports some measure of use for a drive up windows in the C-1 District.

Chairman Lucking reiterated that his concerns are long term. He believes the access to Highway Seven at Christmas Lake will eventually be vacated, forcing all the traffic from any business use onto Excelsior Boulevard. This would make the ability to have access to Excelsior Boulevard more critical. Commissioner Palmberg said a business owner would have the right to petition the city at that time.

Commissioner Beal said he has mixed emotions on the request for an amendment for drive up windows. He said if the city fully enables the property to support a high volume business that is what will locate there. He's not sure the property is an optimal site for a high volume business.

Commissioner Fletcher said he understands the access issues tied to this property and he supports an amendment to allow access to Excelsior Boulevard through the Conditional Use process. Commissioner Beal also supports that process and noted the existing access to the property is absurd. Beal is still concerned about allowing a drive up window since it sounds like once the process is established, it will be difficult to say no to an other application.

Commissioner Spiers reiterated that the city has an obligation to support development on this and other commercially zoned properties. He believes access to Excelsior Boulevard is appropriate. In addition, he supports the proposal for drive up window. He doesn't foresee any real issues, except maybe vehicle lights spilling onto residential properties.

**Action:**

Motion by Commissioner Page to direct the City Attorney to draft language amending Section 1140:45(6)(c) by adding the phrase "except as may be permitted by conditional use permit" to the end of the existing provision and that the public hearing be continued to the March Planning Commission to allow the Commission to review the proposed amendment for a recommendation of approval to the City Council. Commissioner Spiers seconded the motion. The motion carried 5-0.

The Commission discussed the proposed amendment regarding drive up windows.

Chairman Lucking noted that the nature of a commercial area can change rapidly and the proposed amendment could lead to unintended consequences by permitting the five

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existing properties to have drive up windows for uses currently outside the scope of the existing ordinance.

Commissioner Palmberg said he still doesn't see a benefit to the neighborhood by allowing high volume uses. He believes by doing so the existing traffic issues will only be worsened.

Commissioner Spiers believes the issues could be minimized through the conditions attached to any request.

Commissioner Page noted that the service station on Christmas Lake Road already has a situation where people utilize two access points much like a drive up window. He questioned what the difference would be with a drive up window on the subject property. Zoning Coordinator Karpas said there might be a difference in the volume of traffic based on the use of the property, noting a fast food type restaurant has a different traffic pattern than a service station.

City Attorney Kelly noted that if the ordinance were to be amended, the city would need to define design parameters which would be self defining and might limit the ability to place a drive up window on a property that may not be large enough to accommodate one.

Commissioner Beal said he's not comfortable with the approach being taken by the applicant. He feels a discussion of the types of businesses that would utilize a drive up window should precede any request to amend the ordinance. He said the city has recognized the issues with access that may hinder the development of the property and have begun to take steps to rectify those issues. He's concerned about a number of peripheral issues such as lighting and signage a business using a drive up window may have.

Commissioner Spiers said it's reasonable to anticipate that a drive thru component on a development of this nature would be a benefit to this property. He feels the city should support the request with conditions and believes the approach of the City Attorney to develop design parameters would be the best way to address any concerns.

Commissioner Page noted that the applicant is seeking direction from the Planning Commission, but he's concerned that the issue is bigger than just allowing the use when the peripheral issues are considered. He doesn't believe it is something that can be accomplished in one or two meetings.

**Action:**

Motion by Commissioner Page to recommend that Council deny the applicant's request to amend Section 1130.05(1)(d) allowing an expansion of the types of businesses permitted to use drive up windows. Commissioner Fletcher seconded the motion. The motion carried 4-1. Commissioner Spiers voted nay on the motion for denial.

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**6. OTHER BUSINESS**

**Massing Ordinance** – Discussion on revising the process to determine the mass of a structure by using a volume measurement procedure.

Commissioner Beal distributed an explanation of the process (Attachment A) and an example of home to apply it (Attachment B). He went through the example, noting that he believes using the pure volume measurement process is the best way to assess mass. He said it is simple to administer and doesn't have any abstract parameters like the previous measurement method. He stated that he and Commissioners Fletcher and Spiers developed the process when they met as a subcommittee.

Commissioner Spiers added that this method would remove the need for an applicant to provide any calculations and would permit the city to reduce the size of the ordinance.

Commissioner Beal said the problem with the existing ordinance is that it was too complicated and turned people off to it before the actual numbers of allowable mass were established.

Chairman Lucking said he's still concerned about establishing those numbers and there is a need to define how the city is going to measure height. Commissioner Beal said it was his understanding that the Council was going to select properties they felt were examples of massiveness and should help determine the actual numbers.

Council Liaison Sagal the Council put the selection process on hold until the Commission presented them with the parameters for volume measurement.

Chairman Lucking said he's not sure the proposed volume measurement as presented is less complicated than what is currently proposed in the draft ordinance. Lucking said the proposed measurement procedure would require duplicate measurements of the foundation, one for determination of volume, the other for height. He said the allowable percentage can be set based on a measurement between top of the sill plate and the gutter line removing the need to determine the basement area and roof area measurements. He said those would be naturally limited by the height measurement.

The Commission discussed both procedures. City Attorney Kelly noted that regardless of the method of measurement, there needs to be some consideration given to varying height requirements for peaked roofs and flat roofs. Commissioner Beal said he didn't understand why the basement wouldn't be included in the measurement process. Chairman Lucking said it would be a redundant measurement, which would lead to confusion. He said measuring from plate to plate would remove the need to measure roof angles. Commissioner Fletcher suggested looking at some real world samples of homes and apply both methods to see if there is a difference between them.

Council Liaison Sagal said he liked the presentation, which was easy to understand. He feels that adding additional steps that would exclude this or that just complicates the

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process. He believes as presented, the calculation method would be easy for the Council to understand and act on.

Commissioner Spiers said there has to be some acknowledgement of how the top of foundation relates to the grade.

The Planning Commission agreed to hold a Special Session on Monday, February 25<sup>th</sup> at 7 p.m. to fine-tune the process. The hope is to have some examples available for the discussion.

**7. PLANNING COMMISSION LIAISON**

The Commission will select a Planning Commission Liaison at their February 25<sup>th</sup> Special Meeting.

**8. ADJOURN**

Motion by Commissioner Beal to adjourn the meeting. Commissioner Page seconded the motion. The meeting was adjourned at 9:30 p.m.

Respectively Submitted  
Gus Karpas - Zoning Coordinator