

GREENWOOD PLANNING COMMISSION  
WEDNESDAY, MAY 19, 2010  
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 David Paeper (7:01), Todd Palmberg, Mark Spiers and Alternate members Bill Cook (7:06) and Brian Malo

Absent: Commissioner John Beal

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

Due to the absence of Commissioner Beal, Alternate Commissioner Malo was a voting member of the Commission.

**2. OATH OF OFFICE – Administer Oath of Office to Commissioner David Paeper**

City Attorney Kelly administered the Oath of Office to Commissioner David Paeper.

**3. APPROVE AGENDA**

Commissioner Spiers moved to accept the agenda for tonight’s meeting. Commissioner Palmberg seconded the motion. Motion carried 5-0.

**4. MINUTES OF April 21, 2010.**

Commissioner Palmberg moved to approve the minutes of April 21, 2010. Commissioner Malo seconded the motion. Motion carried 5-0.

**5. LIAISON REPORT**

Council Liaison Fletcher informed the Commission the ordinance regulating overweight vehicle was passed. It places a twenty percent surcharge on all permits over twenty thousand dollars in the city. He said the ordinance regarding as built surveys passed its first reading. Mr. Fletcher discussed the proposed MCWD rule changes, noting they have been modified to reduce the impacts on existing residential properties. He also informed the Commission the City Clerk Roberta Whipple has resigned her position effect May 20<sup>th</sup> and that Zoning Administrator Karpas would be serving as interim City Clerk.

**6. NEW BUSINESS**

**ORDINANCE AMENDMENT –** Discuss the proposed re-codification of Chapters 11 and 12 of the city code.

Chairman Lucking said a lot of work has been done on these proposed amendments by the City Council who has asked the Commission to review the highlighted sections for any additional comments it may have.

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City Attorney Kelly said work has been done on consolidating existing definitions into a separate chapter. He said the review of chapter 11 is mostly to look at any new proposed language which is highlighted in yellow.

The Planning Commission discussed the definitions chapter of the ordinance. The Commission agreed to a slight modification in the definition of roofline, more specifically pertaining to shed roof.

Commissioner Spiers said a definition should be added for "Theater", since they are specifically addressed in Section 1120. City Attorney Kelly asked for any ideas on a definition. Spiers suggested it encompass live performances, motion pictures and performing arts.

Chairman Lucking noted that the amended definition of variance included references to state statutes that may not be readily accessible to residents. He suggested keeping the first portion of the existing definition which outlines more clearly what a variance constitutes. The Commission agreed.

The Commission reviewed the proposed amendments to chapter 11, the zoning provisions.

Commissioner Spiers reiterated that Section 1120 references theaters, though it's not defined. He commented on the requirement that driveways be hard surface and the reference to cement or blacktop, noting there are other materials that would be suitable for a driveway. The Commission agreed. Commissioner Cook asked that any reference to cement be changed to concrete. City Attorney Kelly said he would make it clearer that those materials are only examples.

The Commission discussed the provisions pertaining to allowable materials for commercial structures in 1130:15 and 1135:15, agreeing that the ordinance was too limiting in terms of allowable materials and to strike the proposed language. The Commission agreed to similar language of that in the City of Deephaven's ordinance which allows materials at the Planning Commission's and Council's discretion. They also agreed to adding language requiring a site plan review process for all commercial development within the city. Commissioner Spiers said the review of materials should not be limited to just the exterior walls as suggested in the proposed ordinance. The Commission agreed the entire exterior is subject to review.

Commissioner Spiers asked what constituted noxious weeds in the ordinance. City Attorney Kelly said noxious weeds are defined by the state.

Zoning Coordinator Karpas asked about section 1140:20(5) regulating front yard street and lakeshore setback. He said it's confusing and is in conflict with a similar provision in the Shoreland Management Ordinance. The Commission discussed the provision which required a lake setback equal to the average setback of all structures within 250 feet on either side of the property. They agreed that may be too restrictive since the shoreline tends to meander. They agreed to eliminate the portion of language discussing lakeshore setback and replace it with the language in Section 1176.04(13)(3), requiring a setback averaged by the structures on either side of a proposed structure.

City Attorney Kelly discussed the proposed change of violations becoming a misdemeanor rather than a petty misdemeanor, stating it makes this section consistent with other portions of the ordinance. The Planning Commission discussed the issue and agreed to remove the provision since it was redundant.

Commissioner Spiers asked about the decibel levels for noise stating that the time of day should play a factor in the amount of allowable noise. Council Liaison Fletcher said the proposed amendment just clears up the numbers on the table and removes overlap. Commissioner Cook asked why noise is regulated in the zoning ordinance. City Attorney Kelly said there are noise concerns based on the land use of some properties.

The Commission discussed the proposed changes to the matters considered for conditional use permits. Council Liaison Fletcher said though some of the regulations are being removed, more are being added to protect the city. Commissioner Paeper said he didn't like the provision dictating design and would like to see it removed. The Planning Commission agreed to remove it.

Commissioner Palmberg asked about section 1176.05(1) regulating the number of permitted watercraft. He commented that it is more restrictive than the LMCD and asked if the city was within its rights to regulate the number of watercraft a private property owner placed on their dock. City Attorney Kelly noted the city boundary on a map included in the ordinance and said it includes a large portion of lake territory, which the city can regulate.

The Planning Commission discussed the process. They agreed to review the revisions to the ordinance at their next meeting and then schedule a public hearing for July.

## **7. OTHER BUSINESS**

**ORDINANCE AMENDMENT** – Discuss an amendment to the Zoning Ordinance, establishing provisions regulating adult establishments.

Chairman Lucking presented the request. He said he spoke with some of the Councilmembers and the Mayor regarding his concern that the ordinance may not be as strong as we would like it and was told it was better than having nothing at all on the books. He noted the proposed ordinance is similar to those in neighboring communities.

Council Liaison Fletcher said the proposed ordinance had its origins in the fact there is nothing currently in the books that regulate such uses.

Commissioner Paeper asked if the proposed ordinance was just a stepping stone to a more comprehensive ordinance. Council Liaison Fletcher said the proposed ordinance is most likely the final version.

Commissioner Cook commented that more work on the ordinance would provide more protection for the city.

Commissioner Spiers doesn't believe the current form of the ordinance is the best choice for the citizens of Greenwood. He's concerned if the city doesn't take a full measure of action now to create a stronger ordinance, it could lead to future regret. He said he understands the political realities of the situation.

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Councilmember Fletcher said in order to amend the ordinance or to select a specific site for adult uses would require three votes from the Council, which he doesn't believe are there.

The Commission directed staff to schedule a public hearing on the ordinance for the June meeting.

**8. ADJOURN**

Motion by Commissioner Spiers to adjourn the meeting. Commissioner Malo seconded the motion. The meeting was adjourned at 9:15 p.m.

Respectively Submitted  
Gus Karpas - Zoning Coordinator