

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, Kristi Conrad, David Paeper and Douglas Reeder

Absent: Commissioners Lisa Christian and Council Liaison Bill Cook

Others Present: City Attorney Kelly and Zoning Administrator Gus Karpas

2. APPROVE AGENDA

Commissioner Beal moved to accept the agenda for tonight's meeting. Commissioner Paeper seconded the motion. Motion carried 5-0.

3. MINUTES OF August 15th, 2012.

There was not a quorum of members at the meeting that were in attendance at the August 15th meeting so the agenda item was continued to the January 16th meeting.

MINUTES OF October 17th, 2012

Commissioner Reeder moved to approve the minutes of October 17, 2012 as presented. Commissioner Conrad seconded the motion. Motion carried 3-0-2. Commissioners Beal and Paeper abstained.

MINUTES OF November 21st, 2012

Commissioner Beal moved to approve the minutes of November 21, 2012 as presented. Commissioner Paeper seconded the motion. Motion carried 3-0-2. Commissioners Conrad and Reeder abstained.

4. PUBLIC HEARINGS

There were no public hearings scheduled for this meeting.

5. OLD BUSINESS

Discuss Draft Ordinances 214 and 215

Commissioner Beal discussed Ordinance 215, which amended rules for small lots in the city. He did not like the idea of a sliding scale for side yard setbacks. Chairman Lucking agreed and thought that language had already been removed. Beal said it was his opinion that non-conforming lots are entitled to their existing non-conformities and anything beyond those require the issuance of a variance. He feels if the ordinance is changed to relax the setbacks, the problem won't be solved because residents would still be approaching the city for variances since most lots are non-conforming in a number of ways, not just setbacks.

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7:00 P.M.

Chairman Lucking asked if there was a way the city could memorialize the state statute regarding non-conformities in the city code. Commissioner Beal asked if a resident were to build the exact same non conforming structure, given the state statute, would they still have to apply for a variance. City Attorney Kelly said they would, even though the city would have to approve the request, it still has the ability to tweak the request. Commissioner Reeder questioned the need for the process since it seems like a waste of time if the city is basically bound to approve the request. Beal noted it rarely happens but it gives the city an opportunity to document what nonconformity exists and allows it to be monitored in the future.

Commissioner Beal said what some residents are looking for is a guarantee on what can be built on their lot. They are concerned their taxes are being inflated based on assumptions what can be built on the property.

Commissioner Beal said he does like the proposed increase in volume multiplier for massing on lots 7,500 square feet and smaller. He said it was always the intent to revisit the original numbers to see if they may be too restrictive and he feels, given the Fisher request, the five times multiplier may be too tight for smaller lots. Summarizing his thoughts, Beal said he would remove all the proposed changes included in Ordinance 215 except the increase in the volume multiplier.

The Commission agreed and asked about the process and how the ordinances should be drafted for the public hearing. City Attorney Kelly said the ordinances should be in the form the Commission intends pass onto the Council. Commissioner Conrad asked if the Council could amend them and add the provisions removed by the Planning Commission. Kelly said they could. Commissioner Reeder asked if the language could be kept in the documents and removed as part of the motion. Mr. Kelly said the Commission should only keep what they are considering for the final language.

The Commission discussion Ordinance 214, focusing on the impervious surface policies and conditions for variance requests.

Chairman Lucking said he had an issue allowing applicants to trade plastic landscaping material in order to add structural hardcover. Zoning Coordinator Karpas suggested removing that provision from the ordinance. He said it would still count as hardcover, it just wouldn't be allowed to benefit a homeowner when they are proposing to add structural hardcover. Lucking and the Commission agreed to remove the language permitting the removal of plastic landscaping as a means of reducing impervious surface for a variance request.

The Commission agreed that applicants must remove 1.5% impervious surface area for each 1% impervious surface proposed. They also agreed to amend the first sentence in Section 1176.07.05(4)(2) to read "Impervious landscaping materials cannot be exchanged for an increase in structural hardcover to obtain a variance."

The Planning Commission directed staff to amend the ordinances as discussed and schedule a public hearing for the January 16th meeting.

6. LIAISON REPORT

Council Liaison Cook was not in attendance so there was no official liaison report.

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Commissioner Conrad asked about status of the water main project. City Attorney Kelly said the City of Excelsior has not been able to schedule a time to meet with Greenwood's Council which is holding up the process for Option 2. Right now the city can only hold a public hearing for Option 1 which is the proposal that included those who signed the original petition. He said time is running short for the cities of Excelsior and Shorewood to make up their minds on whether they want to connect their systems. If they do, they have to enter into an agreement with the City of Greenwood since they have to run the line through Greenwood's right of way.

7. ADJOURN

Motion by Commissioner Beal to adjourn the meeting. Commissioner Conrad seconded the motion. The meeting was adjourned at 8:00 p.m.

Respectively Submitted
Gus Karpas - Zoning Administrator