

**GREENWOOD PLANNING COMMISSION**  
**WEDNESDAY, NOVEMBER 18, 2009**  
**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, David Paeper, Todd Palmberg, Mark Spiers and Alternate members Bill Cook and Brian Malo

Absent: City Attorney Mark Kelly

Others Present: Council Liaison Tom Fletcher and Zoning Coordinator Gus Karpas.

Members of the Public Present: None

**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 October 21, 2009.**

Commissioner Paeper moved to approve the minutes of October 21, 2009. Commissioner Spiers seconded the motion. Motion carried 4-0-1. Commissioner Beal abstained.

**4. LIAISON REPORT**

Council Liaison Fletcher informed the Commissioner that Greenwood Night at the Old Log Theatre will be held in January 14, 2010. He summarized the results of the recent community survey. He discussed the current state of the Milfoil removal program and said the Council will hold a work session to measure the intensity of light with a light meter before discussing the Lighting Ordinance. He said the Council granted Bob Schmitt an extension for his variance approval.

**5. PUBLIC HEARINGS**

**ORDINANCE AMENDMENT** – Discuss the amendment to Section 1130 of the Zoning Ordinance, establishing provisions to permit the preparation and sale of food in the C-1 Commercial District. The Lakeshore Market has requested the amendment to allow them to install a grill and venting system for the preparation of food from a short order menu.

Chairman Lucking summarized the proposed ordinance amendment request and asked if there were any comments from the public. Hearing none, the public hearing was closed.

**GREENWOOD PLANNING COMMISSION**

**WEDNESDAY, NOVEMBER 18, 2009**

**7:00 P.M.**

Motion by Commissioner Lucking to recommend that the City Council not amend the city ordinances establishing provisions to permit the preparation and sale of food in the C-1 Commercial District. Commissioner Beal seconded the motion. Motion carried 5-0.

**IMPERVIOUS SURFACE ORDINANCE** – Discuss amendment of Section 1176:04(3), increasing the permitted impervious surface area on commercially zoned properties from the current regulation of thirty percent to a maximum of seventy-five percent provided an acceptable storm water management plan is submitted and is approved by the city.

Chairman Lucking summarized the proposed ordinance amendment.

Chairman Lucking opened the public hearing. Hearing no public comment, the public hearing was closed. Chairman Lucking asked for Commissioner comments.

Zoning Coordinator Karpas said the language was modified by the City Attorney to tie in the conditional use process and include some mitigation measures.

Motion by Commissioner Beal to recommend the City Council adopt Ordinance 179, which increases the permitted impervious surface area on commercially zoned properties from the current regulation of thirty percent to a maximum of seventy-five percent provided an acceptable storm water management plan is submitted and is approved by the city. Commissioner Paeper seconded the motion. Motion carried 5-0.

**PARKING ORDINANCE** – Discuss amendment of Section 1140:45(11)(i), required off-street parking for office uses in commercially zoned properties. The proposed amendment would increase the number of spaces required by requiring one off-site space per three hundred square feet of an office building versus the current regulation of one off-site space per five hundred square feet of an office building.

Chairman Lucking summarized the proposed ordinance amendment.

Chairman Lucking opened the public hearing. Hearing no public comment, the public hearing was closed. Chairman Lucking asked for Commissioner comments.

Motion by Commissioner Spiers to recommend the City Council adopt Ordinance 180, increasing the number of spaces required by requiring one off-site space per three hundred square feet of an office building versus the current regulation of one off-site space per five hundred square feet of an office building. Commissioner Beal seconded the motion. Motion carried 5-0.

**FENCE ORDINANCE** – Discuss amendment of Section 1140 of the Zoning Ordinance, adding additional provisions for the regulation of fences by establishing the following; a maximum clearance between grade and the bottom of a fence panel, the maximum permitted height to the top of a fence panel, the maximum height of fence posts above the top of a fence panel, the establishment of a maximum and minimal length for fence panels and the creation of maximum dimensions of fence posts.

Chairman Lucking summarized the proposed ordinance amendment.

**GREENWOOD PLANNING COMMISSION**  
**WEDNESDAY, NOVEMBER 18, 2009**  
**7:00 P.M.**

Chairman Lucking opened the public hearing. Hearing no public comment, the public hearing was closed. Chairman Lucking asked for Commissioner comments.

Zoning Coordinator Karpas noted the City Attorney made some slight changes from the ordinance that was included in their packets. The most notable was the procedure for boundary line fences. The new language would require adjacent property owners to submit, for city review, title information and an easement agreement.

Commissioner Spiers said he would like to discuss increasing the required side yard setback. He feels it would be more appropriate to increase it to one foot from six inches. Chairman Lucking said the Council didn't ask the Commission to look at this issue and feels the existing setback better lends itself to maintenance in the event two fences are erected. Spiers disagreed and felt a larger separation would be better for maintenance.

Commissioner Beal said he couldn't envision two properties building fences six inches off the line. Commissioner Spiers said there could be a situation where one neighbor doesn't like the type of fence their neighbor built and they build their own to shield it.

Chairman Lucking asked for the opinion of the Commissioners as to whether to change the side yard setback. The majority of the Commission did not support a change to the side yard setback.

The Commission discussed the proposed amended suggested by the City Attorney for boundary line fences.

Commissioner Paeper supported the change noting that by having it recorded with the property, future property owners are bound to the agreement.

Commissioner Malo discussed the current process of allowing just a written agreement between the neighbors submitted to the city and asked why that couldn't remain the process. Commissioner Paeper said it would not be binding on future property owners which could be a problem in the future. Council Liaison Fletcher noted the agreement transfer with the property, so the buyer is aware of it at the time of purchase.

Commissioner Palmberg felt the proposed process was reasonable.

Motion by Commissioner Beal to recommend the City Council adopt Ordinance 178, adding additional provisions for the regulation of fences by establishing the following; a maximum clearance between grade and the bottom of a fence panel, the maximum permitted height to the top of a fence panel, the maximum height of fence posts above the top of a fence panel, the establishment of a maximum and minimal length for fence panels and the creation of maximum dimensions of fence posts. Commissioner Paeper seconded the motion for discussion.

Council Liaison Fletcher commented on the language stating that the attorney's review would be at the non-municipal rate. He feels it should be done at the municipal rate.

Commissioner Cook said he still doesn't understand the necessity for the City Attorney review and wonders why the city cares about a private easement. Commissioner Spiers noted the document itself would not be drafted by the City Attorney, rather only reviewed

**GREENWOOD PLANNING COMMISSION**

**WEDNESDAY, NOVEMBER 18, 2009**

**7:00 P.M.**

by him. Cook still wonders why the city cares. He said it seems the city should be concerned primarily with the fence. He understands why the city may want a copy of the agreement, but feels the easement process is better handled by the county.

Council Liaison Fletcher said the county will accept any old agreement and the provision will allow the city to review the document to ensure it is adequate. He feels a front end review of the document by the city as a good thing.

Commissioner Palmberg asked if there would be any interest in capping the amount a homeowner would have to pay for this review. He said its unclear what the non-municipal rate is, but feels it shouldn't be left open ended. Council Liaison Fletcher said the attorney would argue that there may be some cases where the review may exceed the cap.

Commissioner Paeper asked about the actual exposure or cost to the city if it would just absorb the cost for the review. He said since the review benefits the city and is such a rarity, it may not be a bad idea to remove the fee.

The Commission discussed the fee provision within the subdivision and agreed to remove the last sentence of Subdivision B, pertaining to the required fee for review.

Commissioner Beal accepted the friendly amendment.

Chairman Lucking called the question on the motion to recommend approval of the ordinance amendment, with the removal of the last sentence in Subdivision B. Motion carried 5-0.

**6. OTHER BUSINESS**

**7. ADJOURN**

Motion by Commissioner Beal to adjourn the meeting. Commissioner Paeper seconded the motion. The meeting was adjourned at 7:50 p.m.

Respectively Submitted  
Gus Karpas - Zoning Coordinator