

**GREENWOOD PLANNING COMMISSION**  
**WEDNESDAY, OCTOBER 21, 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 Bill Cook, Brian Malo, David Paeper, Todd Palmberg and Mark Spiers

Absent: Commissioner John Beal

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

**2. APPROVE AGENDA**

Commissioner Spiers moved to accept the agenda for tonight's meeting. Commissioner Paeper seconded the motion. Motion carried 6-0.

**3. MINUTES OF September 16, 2009.**

Commissioner Paeper moved to approve the minutes of September 16, 2009. Commissioner Palmberg seconded the motion. Motion carried 6-0.

**4. LIAISON REPORT**

Council Liaison Fletcher said the Council passed the second reading for the Administrative Hearing Ordinance and the ordinance regulating the food/alcohol ratio for restaurants.

City Attorney Kelly explained the process for Administrative Hearings, saying once a violation is noted, a resident has fourteen days to pay the fine or request a hearing. The hearing has a cost of a hundred dollars.

Commissioner Spiers asked about the Social Host Ordinance. Council Liaison Fletcher described the ordinance and said the Council was not supportive of adopting an ordinance that would subject residents to a criminal process for something they were not aware of.

**5. OLD BUSINESS**

Chairman Lucking said the public hearing notices in the Sun Sailor newspaper reflected the wrong date for the public hearings on the following issues. Because of this, there would only be discussion on these items and public hearings held in November.

**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.

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**WEDNESDAY, OCTOBER 21, 2009**

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Chairman Lucking summarized the proposed ordinance and noted this was sent up to the City Council to gauge their feeling on the issue before the Commission put a lot of work into it. He said the Council didn't have much support for the request.

Commissioner Spiers said his personal feeling was that there could be some loosening of the ordinance. Chairman Lucking asked Spiers if the Council has indicated they were not in support, would he be willing to spend more time on the issue. Spiers said the Planning Commission can still offer an opinion regardless the level of Council support.

Council Liaison Fletcher said the Planning Commission can recommend whatever it wants and that the discussion at the Council level was due to a request by the Planning Commission for their thoughts.

**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 and asked if there were any comments from the public.

Trisha Burdick, 4950 Sleepy Hollow Road, said she has concerns about the condition of her neighbor's fence and asked if maintenance was addressed in the ordinance. She was also concerned about the height of the fence and the fact her neighbor was permitted to throw wood chips at the base of the fence to comply with the height requirements.

Commissioner Spiers noted the discussion related to fences focused more on the construction of fences and not the continued maintenance of them.

Chairman Lucking asked if the condition of a fence is more of a nuisance ordinance issue. City Attorney Kelly said it was. He said it would be considered a private nuisance issue. Lucking asked if a line should be put in the fence ordinance addressing the condition of fences. Kelly said it was best left in the nuisance portion of the city code.

In terms of the height, City Attorney Kelly said the Commission could establish a diameter measurement to combat gamesmanship of the ordinance. Commissioner Paeper supported that concept. Zoning Coordinator Karpas said the ordinance already prohibits a change of grade of more than one foot, which would limit the opportunities to game the ordinance. The Commission agreed that reference to that provision in the ordinance should be included in the amendment.

Ms. Burdick asked about the permitted setback and discussed a concern of hers where two neighbors erected fences and the maintenance of the area between the two fences. The Planning Commission discussed the issue and directed staff to research how other cities handled the situation.

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Commissioner Spiers asked about lighting placed on top of fencing. Chairman Lucking said that issue would be covered under the lighting ordinance.

The Commission discussed the concept of permitting fences on a property line in the event the neighbors agreed on the placement. They directed staff to draft language permitting this deviation from the setback requirement.

**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 approved by the city.

Chairman Lucking summarized the proposed ordinance and asked for Commissioner comments.

Commissioner Malo noted there would have to be changes to other provisions of the zoning ordinance to make them consistent. Staff was directed to include those changes for the public hearing.

Commissioner Paeper asked if the stormwater management plan needed to be approved by the City Council. City Attorney Kelly said it would not, and the approval would come from the City Engineer and noted this was clarified elsewhere in the ordinance.

**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 and for Commissioner comments.

Commissioner Paeper suggested that the ordinance reflect that it is the gross floor area and not net area of the structure.

**6. OTHER BUSINESS**

**7. ADJOURN**

Motion by Commissioner Paeper to adjourn the meeting. Commissioner Palmberg seconded the motion. The meeting was adjourned at 7:45 p.m.

Respectively Submitted  
Gus Karpas - Zoning Coordinator