

Greenwood Planning Commission  
Wednesday, September 9, 2020  
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 Pat Lucking, Commissioners Kelsey Nelson, Julie Getchell and David Steingas

Members Absent: None

Others Present: Planning Director Patrick Smith and Council Liaison Kristi Conrad

**2. MINUTES – Regular meeting of June 10, 2020 (July and August Planning Commission meetings were canceled).**

Motion by Getchell to approve the minutes as written. Motion was seconded by Nelson. Motion carried 3-0.

**3. PUBLIC HEARINGS**

**3a. Consider the conditional use permit and variance requests of James and Jessica Benning, 21915 Fairview Street, for a variance to exceed the maximum allowable construction-related tree removal, and a conditional use permit to regrade portions of the property in conjunction with the construction of a new house.**

Smith presented the staff report. James and Jessica Benning, property owners, are proposing to construct a new house on vacant property located at 21915 Fairview Street and are requesting a variance to remove up to 35% of the total caliper inches of the significant trees located on site. The property is zoned R-1, is 19,545 square feet in area and is 106 feet wide.

There are 13 significant trees on the site with a total amount of 201 caliper inches. The applicants have already removed five of the significant trees (11" Black Hills Spruce, 31" White Oak, 13" Black Walnut, 7" Crabapple, 9" Black Walnut) for a total removal of 71 caliper inches, representing 35% of the caliper inches of significant trees. Any amount of significant trees removed over 20% requires a variance.

The applicants believe the 31" White Oak should not be considered significant because a portion of it was hollow (see attached photo). The City's forester states that a hollow tree does not mean the tree is not healthy, and when he saw the tree this past fall, the subject tree looked healthy judging by the amount of leaves on the tree (see attached letter).

The Zoning Ordinance permits property owners to remove two significant trees on an annual basis for a property of this size. Thus, the property owners are required to replace the other three trees that were removed (31" White Oak, 13" Black Walnut, and 9" Black Walnut). This results in five trees required to be replanted.

Chair Lucking opened the public hearing.

Dana Nelson, 5025 Meadville Street, asked about hardcover of the proposed development and the development to the north. Smith stated that both developments fall under the 30% maximum hardcover limit.

Todd Simning, Kroiss Development, addressed the Planning Commission.

James Benning, property owner, addressed the Planning Commission.

Commissioner Getchell asked what would happen if the applicant couldn't plant all the replacement trees on the site. Smith stated that if replacement trees could not be planted on site, then the property owners have the option of paying a fee in lieu of planting trees. The fee would then be used to plant trees in public property, along roads or in a park.

Chair Lucking stated that the Planning Commission is not deciding on a penalty but is focusing on the variance criteria for removing trees.

Chair Lucking closed the public hearing.

Smith stated that most developers know that they need city permission before removing trees.

Getchell believes that the staff recommendation is sound. Getchell moved to approve staff's recommendation. Nelson seconded the motion. Motioned passed 3/0. Chair Lucking stated that a minimum of five trees be replanted on the site. Getchell seconded. Amendment passed 3/0.

**3b. Consider amending the zoning ordinance regarding Building Perimeter Grade, Building Wall Height and Planning Commission organization.**

Chair Lucking introduced the proposed ordinance changes. Councilmember Conrad described the proposed wall height change. Councilmember Conrad explained why the Council is proposing to change the meeting date of the Planning Commission to be more flexible with the schedules of the Commission. Commission asked staff to look into having remote meetings.

Chair Lucking opened the public hearing. No one spoke. Chair Lucking closed the public hearing.

Council Getchell appreciates the proposed changes. Chair Lucking motioned to make the changes as proposed by the City Council. Getchell seconded. Motioned

passed 3-0. Councilmember Conrad voted to make a majority and will discuss the proposed changes with David Steingas and Kelsey Nelson.

**4. OLD BUSINESS - None**

**5. NEW BUSINESS - None**

**6. LIAISON REPORT**

Kristi Conrad provided a brief update on Council meetings including a discussion on lilac bushes at the Meadville fire lane. Conrad stated that the Fire Department would like to sign all fire lanes. Council is looking to install a traffic sign at the intersection of Meadville and the regional trail.

**7. ADJOURN**

Motion by Lucking to adjourn the meeting. Getchell seconded the motion. Motion carried 3-0. The meeting was adjourned at 8:43 p.m.

Respectively Submitted,  
Patrick Smith  
Planning Director