

GREENWOOD PLANNING COMMISSION
WEDNESDAY, April 17, 2013
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, Kristi Conrad, and Douglas Reeder

Absent: Commissioner David Paeper

Others Present: Council Liaison Bill Cook, City Attorney Kelly and Zoning Administrator Gus Karpas.

2. OATH OF OFFICE – City Attorney Kelly Administered the Oath of Office to Commissioner Kristi Conrad and Chairman Patrick Lucking.

3. APPROVE AGENDA

Commissioner Beal moved to accept the agenda for tonight's meeting. Commissioner Lucking seconded the motion. Motion carried 4-0.

4. MINUTES OF January 16, 2013.

Commissioner Conrad moved to approve the minutes of January 16, 2013 as presented. Commissioner Lucking seconded the motion. Motion carried 3-0-1. Commissioner Beal abstained.

5. PUBLIC HEARING

Jim Pastor, 5100 Greenwood Circle, variance requests to construct a new single family home on a non-conforming foundation which encroaches into the minimum required exterior east side, west side and rear yard setbacks and exceeds the maximum permitted impervious surface. The home would also exceed the maximum permitted structure volume.

The applicant also proposes to replace the roof on an existing non-conforming detached accessory structure within the required rear and west side yard setbacks.

Section 1120:15 of the Zoning Ordinance requires a minimum exterior east side yard setback of thirty feet. The applicant proposes an exterior east side yard setback of eight feet for the proposed single family home. The proposal requires a variance of twenty-two feet of the exterior east side yard setback.

Section 1120:15 of the Zoning Ordinance requires a minimum west side yard setback of fifteen feet. The applicant proposes a west side yard setback of eight feet, two inches for the proposed single family home. The proposal requires a variance of six foot, ten inches of the west side yard setback.

Section 1120:15 of the Zoning Ordinance requires a minimum rear yard setback of thirty-five feet. The applicant proposes a rear yard setback of twenty-four feet for the proposed single family home. The proposal requires a variance of eleven feet of the rear yard setback.

Section 1176.04(3)(3) permits a maximum permitted impervious surface area of 30%. The applicant is proposing an impervious surface area of 47.3% and is seeking a variance to exceed the maximum permitted impervious surface area by 17.3%.

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Section 1140.18(3) regulates the maximum permitted above grade structure volume based on lot area. Based on the applicant's lot area, the permitted above grade structure volume for the property is 32,250 cubic feet. The applicant proposed a structure volume of 37,964 cubic feet. The applicant is seeking a variance to exceed the maximum permitted above grade structure volume by 5,714 cubic feet.

Chairman Lucking summarized the request and opened the public hearing.

Jim Pastor said the plan was to square off the back of the home, construct an addition to the front of the home and wrap a deck around the front and side portions of the home. He said the flat roof on the north side garage would be altered to a pitched roof to match the home and railings would be added to the garage on the south side to match the deck.

Commissioner Beal noted both garages were located on the property lines and said the city didn't have the authority to approve an encroachment onto adjacent properties even if it were just a roof overhang. He said the applicant would need to alter the roof design on the north garage or obtain an easement from the neighbor.

Brian Malo, 5070 Greenwood Circle asked about the lower garage and if any additional overhang would be counted as impervious surface. Mr. Pastor said no additional overhang would be added.

Chairman Lucking asked the applicant how important the deck was to his overall plan for the property. Mr. Pastor said the house is very narrow and he thought the deck would give the house some character and width while taking advantage of the lake. Lucking asked if that could be accomplished with a deck the width of the house on just the front portion, since it feels it may be hard to convince the Council a practical difficulty exists for the deck as it is currently proposed. Mr. Pastor felt the deck would be too small.

City Attorney Kelly noted that Greenwood Circle cut across the lot on the southeast corner which adds impervious surface to the calculation. He said the principle reason for the corner lot setback was for visibility considerations. He feels the nature of this road as a curve and its grade may not warrant such a strict standard. Kelly said the existing footprint is grandfathered. He said the deck may be reasonable use, not impact the character of the neighborhood and a good idea to take advantage of a lake view, but it's a matter to what degree the city is willing to approve and Chairman Lucking's question as to whether limiting the deck to the front of the house is a fair question.

Commissioner Beal expressed concern about the increase in height, noting the applicant is permitted the height he currently has. Commissioner Conrad said the homes along the north side of Greenwood Circle are rather large and doesn't feel the proposed height will impact the adjacent homes. Beal asked about the height of the home. Chairman Lucking said the height is about twenty-two feet.

The Commission discussed the proposed deck projections into the required west side setback. It was noted only a garage exists on that lot now and that the property was legally attached to the lot across the street even though it has a separate property id number. There is a question as to whether this lot could be sold separately. Commissioner Conrad said she would never support a variance granted for aesthetics but if there would never be a structure on the west lot, she wouldn't have the same concern she normally would.

The Planning Commission discussed the current driveway access and the challenges it poses. There may be some grade alterations necessary that exceed the ordinance requirements. Mr. Pastor is not sure exactly what they are going to do at this time.

Hearing no further public comment, the public hearing was closed.

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Council Liaison Cook said he would like to hear the comments of the Commission on the impervious surface request. City Attorney Kelly commented that the home is very nominal as it exists. Zoning Coordinator Karpas said that there could be some steps through the reduction of the deck to reduce the impervious surface area, but noted the lot is very small.

Commissioner Beal discussed the proposed east side encroachment noting the actual structure is located a long way from the paved edge of the road. He said the property is small and required to comply with two "front" yard setbacks.

City Attorney Kelly discussed the retaining wall located between the east property line and the edge of the road stating it serves the applicant's property and there may be an issue with future maintenance. Maybe some sort of agreement could be reached about maintenance through this process. He said the applicant may even want to petition the city to vacate that portion of property which would give him ownership of the wall. In addition it would increase his lot area decreasing his variance request in terms of east side yard setback and impervious surface area.

Chairman Lucking discussed the options available to the applicant since it appeared the application would not receive a positive recommendation from the Commission. City Attorney Kelly said there will be a struggle on exactly what portions of the request this body has the authority to approve. Commissioner Conrad said the Commission is tied to meeting a practical difficulty standard.

Commissioner Reeder feels the applicant has done a good job with what he's got given what he had to work with. Chairman Lucking commented he doesn't recall ever approving a variance request where an existing encroachment was permitted to be increased into a required yard.

The Commission discussed the options for potentially reconfiguring the garages. City Attorney Kelly said removing one of the curb cuts may be beneficial in terms of aesthetics. Chairman Lucking said relocating the garages may impact the floor plan of the home.

Chairman Lucking suggested the applicant continue his request to the May meeting. City Attorney Kelly said the applicant may look at removing the south garage as a way of reducing impervious surface area and developing a way to redirect runoff from the deck to a central point. Commissioner Beal suggest it would be wise to investigate vacating the city property along Greenwood Circle.

Commissioner Reeder felt the Planning Commission should give the applicant clearer direction on what they expected for the impervious surface percentage. Council Liaison Cook cautioned about giving too much direction to an applicant since their advice may not be shared by the City Council who is the body that makes the final decision.

Mr. Pastor said he's very frustrated since he thought he had a nice plan for this property and felt it would receive a more positive response. City Attorney Kelly feels a solution can be crafted.

Council Liaison Cook also cautioned about making the right of way too narrow.

Motion by Commissioner Reeder that the request be continued to the May meeting to permit the applicant to consider the comments of the Planning Commission and amend the plan if he felt it necessary. Beal seconded the motion. Motion carried 4-0.

6. NEW BUSINESS

Discuss - ORDINANCE NO. 216 – Amendment of Greenwood Zoning Ordinance Code, Chapter 11, Regarding Rules for Uses in Residential Districts and Amendments of Definitions within Said Chapter.

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Zoning Coordinator presented the ordinance noting a portion of the ordinance was creating definitions to address issues to be included in the Home Occupation ordinance currently under review by the City Council and the other portion was amending the permitted and conditional uses in the residential districts to bring them into compliance with state statutes.

Commissioner Beal discussed the establishment of a minimum lease period and the notion that those who rent for less than a thirty day period are less desirable and annoying and somehow those who rent longer are considered better.

City Attorney Kelly said a property owner has an inherent right to rent their property, but the length of time is a grey area and there is a concern about absentee and reckless landlords renting their properties on a nightly basis. He said this issue was raised due to an advertised vacation rental in the city.

Council Liaison Cook feels the process may take more steps to protect resident's rights to rent their property. He said those most concerned about rental properties are seeking leases between twelve and eighteen months.

Zoning Coordinator Karpas said this ordinance has been scheduled for a public hearing at the Commission's special meeting on April 25th. He asked if there were any proposed changes at this time.

The Commission had no changes and directed staff to proceed with the public hearing.

7. LIAISON REPORT

Council Liaison Cook informed the Commission that the Council is currently going through the Board of Review process and that a number of residents are appealing their valuations, but overall taxes have went down, noting that the trend is indicating valuations are most likely going up next year. He said the Council is currently reviewing a Home Occupation ordinance. The Council heard a presentation from its Auditors and no deficiencies were found. He said the Council has been working on a joint agreement with the City of Excelsior for water service which has been going back and forth and will be settled in the near future, it has yet to been determined if a final agreement can be reached. Finally, the Council is discussing the creation of a Lake Improvement District which would have taxing authority to fund milfoil removal in St. Alban's Bay.

8. ADJOURN

Motion by Commissioner Beal to adjourn the meeting. Commissioner Conrad seconded the motion. The meeting was adjourned at 9:17 p.m.

Respectively Submitted
Gus Karpas - Zoning Administrator