

Greenwood City Council and Planning Commission Joint Meeting
Wednesday, May 15, 2015
9:00 P.M.

1. Call to Order/Roll Call/Approval Agenda

Mayor Kind called the meeting to order at 9:00 pm.

Council members present: Deb Kind, Bill Cook, Tom Fletcher, Bob Quam and Rob Roy

Planning Commission members present: John Beal, Kristi Conrad, Pat Lucking, David Paeper and Douglas Reeder

Council members absent: None

Planning Commission members absent: None

Others present: City Attorney Kelly, City Clerk/Zoning Administrator Karpas

2. Open Discussion

The group discussed a number of issues of interest.

A. Discussion on Chip Fisher driveway grade on Greenwood Circle

The group discussed the origin of the issue and whether it was self-created and steps necessary to solve the problem. They discussed a preliminary site plan submitted by Mr. Fisher which would alter the grade to permit access to their garage but would require the construction of retaining walls within the city right-of-way. City Attorney Kelly expressed concern that the plan essentially gives the Fisher's control of city property.

Councilmember Roy asked why this is the city's problem since it should have been "caught" by the builder when they placed the garage floor. Mayor Kind said some of the issue is that the grade was not caught at the time the building permit was issued. Roy asked if other issues have been considered or is this the most economically advantageous to the Fishers. Councilmember Fletcher noted the issue is not going to be solved tonight and the Fishers are permitted to park on Greenwood Circle until it is solved.

Mayor Kind said her intent on raising the issue is to gauge the temperature of the group on whether this needed to go through the regular variance process. If so, she has concerns whether it could meet all the practical difficulty criteria. Commissioner Paeper asked about the significance of losing the use of the city property. Kind said it currently is a utility easement and Councilmember Cook added it provides parking for the city docks.

Councilmember Cook noted the existing plan submitted by the Fisher's would direct water onto his property and since they cannot legally do that, the plan would need to be redrawn. He supports what they want to do provided the drainage is addressed, though he is concerned about the impact it could have on parking along Greenwood Circle.

City Attorney Kelly said any use of city property would require the Fishers to enter into a license agreement for maintenance. Chairman Lucking, referencing the property owner's claim that the city's requirement to reduce

the volume caused the issue, said the city never required the applicant to lower the basement level which has caused the current situation.

The group decided the Fishers need to go through the regular variance process in order to correct the current situation.

B. Creation of an R-1C Zoning District

The proposed R-1C ordinance was summarized. Chairman Lucking said the ordinance is a long term way of adjusting the use on the Old Log property to permit uses that the city may not want to allow in the entire R-1A District.

Councilmember Cook said it also gives an opportunity to clarify the types of Restaurants and Event Centers that would be permitted. He's still concerned about the rapid changes in technology and the potential unintended consequences.

Commissioner Beal is concerned about the property being passed onto a developer who creates the type of development that the city doesn't want. Commissioner Conrad said the ordinance would set the parameters of what could be done of the property.

Commissioner Paeper does not want to legislate a property owner's business plan. Commissioner Reeder agrees he doesn't want to create an ordinance that hurts the business.

City Attorney Kelly feels that the city needs the attributes such as wetland areas, including the required buffers, parking spaces, available developable land, etc. prior to developing the ordinance to help guide the city. Mayor Kind stated that she did not believe the city had the authority to make these requests until the property owner submits an application to the city.

Commissioner Beal said the land in the R-1C could be dedicated entirely to a theatre uses and if necessary it could be regulated as a conditional use. Mayor Kind said it could also be a permitted use. Councilmember Fletcher said there probably is an expectation from the neighborhood that it continue to operate as a conditional use.

The group discussed the residential options for the property, including cluster development, if the theatre were to become unprofitable.

It was decided the Planning Commission would develop a definition of Dinner Theatre.

C. Miscellaneous

Councilmember Fletcher briefed the group on the recent public hearing on the Excel Energy power line project.

Councilmember Quam gave an update on the condition of former Councilmember Page.

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Commissioner Conrad suggested the idea of a park survey and the potential creation a beach to permit non-lakeshore residents access to the lake.

3. Adjournment

Cook moved to adjourn. Second by Reeder. The meeting was adjourned at 10:02.

Respectfully submitted
Gus Karpas
City Clerk