

**GREENWOOD PLANNING COMMISSION
WEDNESDAY, FEBRUARY 18, 2015
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 and Commissioners Lake Bechtell, David Paeper, and Fiona Sayer

Absent: Commissioners Kristi Conrad, Douglas Reeder and Rick Sunberg

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

2. MINUTES – November 19, 2014

Commissioner Paeper moved to approve the minutes of November 19, 2014 as presented. Commissioner Bechtell seconded the motion. Motion carried 3-0-1. Commissioner Sayer abstained since she did not attend the meeting.

3. PUBLIC HEARINGS

Peter and Kim Johnson, 5085 Highview Place – Request for a Conditional Use Permit for the construction of a swimming pool.

Section 1125:05(3)(c) of the Zoning Ordinance permits the construction of a permanent in-ground, at-grade swimming pool for the use and convenience of the residents and their guests with the issuance of a Conditional Use Permit.

Chairman Lucking summarized the request and opened the Public Hearing.

Emails from Maureen Hogan, 5095 Highview Place and Chris Fields, 5075 Highview Place were discussed. Both expressed a desire to include screening around the proposed pool.

Hearing no further comment, the hearing was closed.

Commissioners Sayers and Paeper had no issues with the pool but agreed some type of screening should be required.

Council Liaison Cook agreed, but is less inclined to have a requirement that the screening be a fence since that gives a false sense of security.

Commission Bechtell also had no issue with the request.

Chairman Lucking supported the request and would also like to see some type of screening around the pool and felt a row of arborvitae more provide a more substantial screen than a fence.

Commissioner Bechtell moved the Planning Commission recommends the council accept the recommendation of staff to approve the application of Peter and Kim Johnson for the Conditional Use Permit to construct a permanent in-ground, at-grade swimming pool at the property located 5085 Highview Place, as presented. The proposal meets the criteria outlined in Section 1150.20 of the ordinance in that; a) The proposed swimming pool complies with the specified regulations of the district in which it is located; b) The use is a permitted conditional use in the R-2 zoning district; c) The use would not be detrimental to or endanger the general welfare of the neighborhood or city; d) The use is harmonious with the objective of the comprehensive plan since it is a residential use; e) The use will not be hazardous or disturbing to existing or future neighboring uses; f) The use will be adequately served by essential public facilities and services;

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g) There will be no excessive additional costs for public facilities or service and will not be detrimental to the economic welfare of the community; h) The proposed use will not include uses that would be detrimental to any persons due to traffic, noise, smoke fumes, glare or odors; i) The use will not create traffic congestion; j) There will be no loss or damage of any natural, scenic or historic features; and k) The use will not depreciate surrounding property values.

The motion is conditioned that the pool be screened from adjacent properties and the public right of ways through fencing or natural vegetation.

Chairman Lucking seconded. Motion carried 4-0.

Michael and Deb Anderson, 5105 Weeks Road – Conditional Use request for the construction of a swimming pool and a variance request to exceed the maximum permitted grade alteration to re-grade their property.

Section 1120:05(3)(b) of the Zoning Ordinance permits the construction of a permanent in-ground, at-grade swimming pool for the use and convenience of the residents and their guests with the issuance of a Conditional Use Permit.

Section 1140:19(5) states “The existing grade of a lot shall not be altered by the addition or removal of fill or by grading so as to increase or decrease the average elevation of the land by more than 1 foot in any area greater than 100 square feet without the approval of the City Engineer. Any elevation increase or decrease of more than 2 feet in any area greater than 300 square feet requires a variance. The measurements shall be calculated by averaging the lowest point of elevation and highest point of elevation in the square foot area on the existing survey compared to the proposed survey.”

The applicant proposes to alter the grade by six feet and seeks a variance to exceed the maximum permitted grade alteration by four feet.

Chairman Lucking said the applicant has a large area of land to work with for the placement of the pool and has not concerns about the proposed location. In terms of the proposed grading, he said the intent of the ordinance was to prevent lots from being built up and having a house placed on an artificial grade. He said the applicant is seeking to shape the lot to address drainage.

Scott Ritter, Topo, LLC, said the property consists of three properties combined into one which originally had three home, two which have been removed. He said the request is to message the grade into on cohesive property. He said the design is to create a number of plateaus to slow down the energy of the water as it moves down the lot towards the lake. They have also looked at adding some subsurface drainage to help filter the run-off.

Chairman Lucking noted the greatest grade alteration appears to be at the corner of the patio near the pool. Mr. Ritter said it was, but the wall disappears quickly into grade. Lucking asked about landscaping along St. Alban’s Bay Road. Mr. Ritter said the intent is to add a minimum of fifteen trees, but the final landscaping plan has not been completed as of yet.

Council Liaison Cook discussed his concerns about what is shown on paper and what is actually built in the field, noting in many cases they don’t match. He pointed out that some minor changes on the plan contours, especially near the property line, could work better than what is shown. He informed the applicant if the drainage does not work after the grading is completed, changes will have to be made after the fact. Mr. Ritter said he understood that and believes the plan as drawn will work as he takes grading and drainage seriously.

Chairman Lucking asked about the retaining wall shown on the plan. Mr. Ritter discussed the wall and its intent in the overall drainage scheme.

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Commissioner Paeper commented he didn't see a massive difference between the existing and proposed grade and any change was very subtle. He conceded that much of the information was beyond the expertise of the Planning Commission and they do have to rely on the City Engineer and his review of the project.

Commissioner Paeper moved the Planning Commission recommends the council accept the recommendation and findings of staff to approve the application of Mike and Deb Anderson for the Conditional Use Permit to construct a permanent in-ground, at-grade swimming pool at the property located 5105 Weeks Road, as presented. The proposal meets the criteria outlined in Section 1150.20 of the ordinance in that; a) The proposed swimming pool complies with the specified regulations of the district in which it is located; b) The use is a permitted conditional use in the R-2 zoning district; c) The use would not be detrimental to or endanger the general welfare of the neighborhood or city; d) The use is harmonious with the objective of the comprehensive plan since it is a residential use; e) The use will not be hazardous or disturbing to existing or future neighboring uses; f) The use will be adequately served by essential public facilities and services; g) There will be no excessive additional costs for public facilities or service and will not be detrimental to the economic welfare of the community; h) The proposed use will not include uses that would be detrimental to any persons due to traffic, noise, smoke fumes, glare or odors; i) The use will not create traffic congestion; j) There will be no loss or damage of any natural, scenic or historic features; and k) The use will not depreciate surrounding property values.

Commissioner Bechtell seconded. Motion carried 4-0.

Chairman Lucking moved the Planning Commission recommends the council accept the recommendation and findings of staff to approve the application of Mike and Deb Anderson for the variance to exceed the maximum permitted grade alteration by four feet to re-grade the property located 5105 Weeks Road, as presented. The proposal meets the practical difficulties standards outlined in Section 1155.10(4) in that; a) the applicant proposes to re-grade the property in a manner not permitted by the zoning ordinance; b) the circumstances requiring the grading is based on the need to reshape the lot due to the removal of two older principal structures when the three properties lots were combined under one PID; and c) the proposal will not alter the essential character of the neighborhood, rather it will help control the run-off on the property lessening the current issues on adjoining properties.

Commissioner Sayer seconded. Motion carried 4-0.

4. LIAISON REPORT

Council Liaison Cook said the Council listened to a presentation from the SLMPD about the POLD (Place of Last Drink) program, which seeks to document establishments that may be over-serving alcohol. Cook said the Council passed the Lake Improvement District (LID) and sent out requests for proposals for recycling.

5. ADJOURN

Motion by Commissioner Paeper to adjourn the meeting. Commissioner Bechtell seconded the motion. The meeting was adjourned at 7:52 pm.

Respectively Submitted,
Gus Karpas - Zoning Administrator