

**GREENWOOD PLANNING COMMISSION
WEDNESDAY, JUNE 13, 2018
7:00 P.M.**

1. CALL TO ORDER/ROLL CALL

Chairman Lucking called the meeting to order at 7:04 p.m.

Members Present: Chairman Pat Lucking, Commissioners Dean Barta, and David Steingas

Others Present: Council Liaison Kristi Conrad (arrived at 7:19), Councilmember Bill Cook, Councilmember Tom Fletcher, and Zoning Administrator Dale Cooney

Absent: Commissioner Jennifer Gallagher

2. Dean Barta was sworn in as planning commissioner.

3. MINUTES – May 9, 2018

Cooney apologized for forgetting to include the meeting minutes in the packet. He said that they would be included in the July packet and would remain draft minutes until then.

4. PUBLIC HEARINGS

5. OLD BUSINESS

Continue discussion on draft ordinance amending zoning code Chapter 11 to simplify residential zoning regulations

Lucking introduced the agenda item and opened the public hearing.

George Loomis of 2940 Woods Court said that he cannot see a good reason to get rid of the R-1B zoning district. He said that at the city council meeting, the sense that he got was that the council said “Don’t worry about it.” He said that this is a solution in search of a problem. He said that, at the city council meeting Tom Fletcher said that few variances would have been avoided with the new ordinance.

Cooney asked if the Homeowners Association had any setback regulations. Loomis said that it does not and that the bylaws only reference the city code.

Steingas asked about the setback differences. Cooney said that the rear yard would be reduced from 60 to 30, and that the front yard would be reduced from 35 to 30.

Loomis said that there are a lot of odd lots in Greenwood, but not in his neighborhood and not many in the other R-1B areas.

Barta said that this was an existing neighborhood and asked what the concern was. Loomis said that the houses are pretty new, so teardowns are not likely, but that if a home were to be damaged or destroyed, a new home could be built very out of character with the neighborhood. He said that there was already a house granted a variance that is not in character with the neighborhood.

Lucking asked about the location of vacant lot in the neighborhood. Loomis said that it was near the north entry.

Joe Fronius of 5140 Meadville said that this is not a simple problem, and that there are various lot sizes with houses built before there regulations. He said that the ordinance now is understandable and that the proposed ordinance will create more controversy. Property owners will build larger houses, the setbacks will be narrowed, and there will be more hardcover.

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Maureen Burns of 5080 Meadville read her letter into the record. She said that the ordinances in place need to be respected. She said if someone wants to build a big house they should buy property elsewhere. Burns said that neighbors are important, and new owners shouldn't infringe on the neighbors views. She said that they built a deck in 1976 and signed a covenant not to enclose the space to avoid blocking views. Burns said that she does not want to make more large homes out of proportion with the property.

Lucking asked if the people in attendance were aware that the city also had a massing ordinance. The audience members all raised their hands. Burns said that there was a lot of good work put into that ordinance.

Steingas attempted to summarize the planning commission's recommendations. He said that they wanted to maintain R-1B zoning, require 20% of the lot width for side yard setbacks for nonconforming properties (minimum 8 feet), and limit wall height to 1.5 times the setback until 15 feet.

Steingas asked about hardcover. Cooney said that there was not a clear consensus.

Lucking said that the purpose of the change was so that people could know what could be built on a lot without requiring a variance. He said that, by state law, nonconforming situations allow people to rebuild a nonconformity and that this offers a better, non-variance opportunity.

Steingas asked about keeping the hardcover limit to 30%. Lucking said that it would be difficult to meet 30% for a small lot. Steingas said that variable hardcover allows more hardcover and the builders tend to build to the limits.

Conrad said Fletcher had done some research on recent variances and that few would have been avoided, and that the code was not simplifying the matter.

Lucking said that does not include legal nonconformities that were rebuilt without a variance. Cook said that nonconformities are only entitled to their current envelope and not entitled to go up within a setback.

Cooney said that he has not yet heard a planning commission consensus on the 30% impervious issue. Steingas said that after reading letters from the community, he is suggesting to simplify the issue and keep a 30% limit.

Lucking said that, if the intent is to address the issue with the small lots, he does not see how 30% is practical and that most small lots already exceed that amount.

Steingas said that, as a builder, it helps him calculate easier. He said that there is a lot of complexity in Greenwood for builders.

Barta asked what the exception to exceed 30% would be. Steingas said that the applicant would need to show a practical difficulty, and that a nonconforming lot could be considered a practical difficulty.

Conrad said for a smaller lot, either setbacks or massing or hardcover restrictions would be triggered and a variance would be needed. She said that her concern is that we're not simplifying anything.

Cook said that if you have a small lot, that is not a corner lot, a person can meet the city requirements. He said that making sure a reasonable house could be built was part of the process. He said that whether the property owner chooses to meet the requirements is a different question.

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Cook said that he does not share the view that the zoning ordinance is well-thought-out. He said that he does not see a different character of the lots between R-1A and R-2 and that R-2 was just a quirk of history to accommodate Georgetown Manor. He said that he recognizes the difference with the R-1B lots and does not want to change their character.

Cook said that he would like to see less than 30% hardcover on larger lots, but that was a different discussion. He said builders know that they have a 30% limit so they build to that limit.

Steingas said that the property at 5270 Meadville recently sold and the existing house is slightly on the neighbor's property. He said that they will likely rebuild one day and that if you apply the proposed regulations they can build a reasonable house within those constraints. He said that under the old regulations only a 20 foot wide house could be built.

Cook said that he would like to see the 20% side yard setback be applied to all lots, not just substandard lots.

Conrad asked what the maximum hardcover under the formula would be. Cook said that, for the smallest lot in Greenwood which is about 5,000 square feet, it would be about 35%. He said that for a 7,000 square foot lot the limit would be about 32%.

Conrad said that she was concerned that the Meadville example would still trigger something. Steingas said that in that example they could not max out every aspect of the code and still be under hardcover, so some reductions would need to be made.

Cooney said that the variance process has some barriers to entry that might keep a property owner from applying for a variance if they can relatively easily get under a threshold. He said those were survey costs, house plan costs, city fees, time, and uncertainty.

Barta asked if could be within the code, would people try to avoid the city variance process. Cooney said that was correct, and in many cases they would likely modify their plans slightly instead of coming to the city for a variance. Barta said that made sense and that he could support a flat 30% limit.

Cook said that they were not encouraging people to expand their footprints. Conrad said that, hearing from a builder whose clients want to know what their limits are is important since most people in Greenwood would work with a builder.

Steingas said that is was about setting appropriate expectations for the client. Cook said that he understood that was important and that conversation has to happen early in the process.

Steingas said that building in Greenwood is difficult and complex. He said that he is fine with the rules being strict, but defined. He said that the complexity is challenging for him and his clients.

Conrad said that there is a fear that getting to a set standard will make all the houses the same. Steingas said that there is a good Greenwood personality to the houses now.

Barta asked how many variances have come before the city in 2018. Lucking estimated 5 per year. Barta said that this is a lot of time and energy for 5 variance per year and is it worth it.

Conrad said that she is more worried about the future and that she has seen Greenwood change a lot since she has been here. Cook said that there is the ongoing tension between people wanting as much as they can get and the ordinance restrictions.

Barta said that it makes sense to keep it simple for the builders and the property owners.

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Keith Stussi, of 5000 Meadville, said that he expects to see a lot of turnover in small lots based on the age of the residents of himself and his neighbors. He said that he can see the advantage of a sliding scale for these lots that are over hardcover. Stussi said that it would not be advantageous to maintain the footprint of these houses.

Conrad said that the houses that are way over on hardcover would have to come before the city for a variance anyways.

Stussi said that he liked Councilmember Fletcher's proposal from 2012. Conrad asked Fletcher if he had a copy of that. Fletcher said that it was a different sliding scale and that he had forgotten about it until Stussi mentioned it.

Steingas said that the sliding scale for hardcover is so small in its increments that the added complexity is not worth it. Conrad said that her preference is to keep the 30% flat limit.

Fronius asked if a property owner had 50% hardcover and wanted to reduce it but be more than 30%, would the city be more sympathetic to that. Steingas said that if it is a teardown and a compliant lot, it would need to comply with the 30% hardcover restriction. He said that there is always a way to make the property work and that he favors designing to compliance.

Lucking said that the planning commission would recommend a 30% set limit for hardcover versus a sliding scale.

6. LIAISON REPORT

Conrad presented the liaison report.

She said that there will be a zebra mussel study with buoys identifying the study areas. She said that there is also a zebra mussel informational meeting.

Conrad said that there was a request to add a sign that indicates the location of Linwood Circle so that people do not keep going into a property owner's driveway. Cook said that there will be a street sign for the situation.

Steingas said that Linwood Road is in extreme disrepair and asked if it could be vacated. Steingas said that there would be less hardcover and that the city would not have to deal with maintenance. Cook said that a vacation petition would have to be brought to the city council.

Conrad said that there was a purchase request for a tax forfeited property. Cook said that the city would put conditions on the purchase of the sale, such as combining the lots.

Conrad said that the city approved the Showcase Event ordinance amendment. She said the city attempted to fix the watercraft space process.

Conrad said that the Linwood Circle CUP passed but that Fletcher voted against because of the screening. Fletcher said that he was not opposed to the CUP, but would have preferred screening.

Conrad mentioned the pickle ball lines being painted for the tennis court.

7. ADJOURN

Motion by Stengas to adjourn the meeting. Barta seconded the motion. Motion carried 3-0. The meeting was adjourned at 8:52 p.m.

Respectively Submitted,
Dale Cooney - Zoning Administrator