

1. CALL TO ORDER/ROLL CALL/OATH OF OFFICE

Chairman Lucking called the meeting to order at 7:00 p.m. Kelsey Nelson was sworn in as a new planning commissioner.

Members Present: Chairman Pat Lucking, Commissioners Dean Barta, Jennifer Gallagher, Kelsey Nelson, and David Steingas

Others Present: Zoning Administrator Dale Cooney

Absent: Council Liaison Kristi Conrad

2. MINUTES – October 10, 2018

Motion by Steingas to approve the minutes as written. Motion was seconded by Gallagher. Motion carried 5-0.

3. PUBLIC HEARINGS

3a. Consider the simple subdivision request of Kyle Hunt & Partners for 5135 and 5125 Weeks Road.— Section 600.07 outlines the Simple Subdivision process and requirements.

Lucking introduced the agenda item and opened the public hearing.

Gallagher asked for clarity on the locations of the lot line. Hunt showed Gallagher the existing and proposed lot line configurations on the survey.

Steingas said that Hunt had done nice work and thanked him.

Lucking closed the public hearing.

Motion by Steingas to recommend approval of the request based on the recommendation and findings of staff. Motion was seconded by Barta. The motion was not subject to any conditions. Motion carried 5-0.

3b. Consider the conditional use permit request of Diane Wold for 4980 Meadville Street to regrade the property in conjunction with the construction of a new house.—Section 1140.19 (2) of the City Zoning Code requires a conditional use permit for a grading or site/lot topography alteration request involving more than 200 square feet of surface area, or involving more than 7 cubic yards of material.

Mike Sharratt of Sharratt Design and Company, architect for the applicant, stated that there were 3 main areas of grade alteration requested: the rear yard divot carved out for a walk-out basement door, exterior stairs from the main level to the lower level, and daylight windows for the basement level. He said that the tuck under garage would be eliminated and that the property owners are proposing a garage at the same level of the main floor which would also require front yard grade alterations.

Barta asked if the divot is problematic for water. Sharratt said that it is not and that area drains to the lake.

Gallagher asked if any of the existing structure would be kept. Sharratt said no and said that the existing home is old and poorly built.

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Cooney noted the mitigation requirements of the code for the proposed new house. Sharratt said that he understands the requirements.

Tom Hessian of 4990 Meadville Street said that he had not seen the plans and asked if the house would be moved away from the property line. Sharratt said that it would be 15 feet from the property line.

Motion by Steingas to approve the request based on the recommendation and findings of staff. Motion was seconded by Gallagher. Motion carried 5-0.

3c. Consider the conditional use permit request of Cisco and Kim Skanson for 5175 Queens

Circle to regrade portions of the property and install in-ground swimming pool.—Section 1140.19 (2) of the City Zoning Code requires a conditional use permit for a grading or site/lot topography alteration request involving more than 200 square feet of surface area, or involving more than 7 cubic yards of material. Section 1120.05 of the zoning code regulates permanent in-ground swimming pools as conditional uses.

Lucking introduced the agenda item and opened the public hearing.

Becca Bastyr of Mom's Design Build, contractor for the property owner, said that she is available for questions.

Lucking noted that the swales on the property run east to west and the property crests at the lake. He asked how the new stormwater might be managed.

Bastyr said that they are installing a synthetic turf area with stones below that will act as a French drain to permit infiltration.

Ron Weseman of 5165 Queens Circle said that he is one of the owners of the property to the east at 5170 Queens Circle. He said that he does not want any more water coming onto the wetland on the property. He said that there is already standing water there and they have a bridge to get to the lake and that more water would be problematic.

Barta said that the property is mostly torn up right now and asked about the extent of that work. Bastyr said that they were not regrading that area yet, but simply sodding the rear yard.

Cooney said that if the French drain area could be demonstrated to handle a 2 inch rain event for the new impervious surface coverage, it would likely be sufficient for any of the city's stormwater management requirements. Lucking agreed.

Barta asked about the large amount of dirt that was brought onto the property. Bastyr said that was soil for planting beds.

Steingas asked about how much soil would need to be removed for the pool. Bastyr said 1,800 cubic yards.

Barta asked if pools need to be drained and where does that water go. Lucking asked if it was pumped to the lake. Gallagher said that pumping to the lake would introduce the pool chemicals to the lake.

Cooney said that if there were concerns about pumping the pool, it could be a condition of approval, but other pools have been approved without similar conditions. Lucking said that this was likely much ado about nothing.

Steingas said that pool drains can go to the sewer and that the city should not include any conditions. He said that it would be neighborly to not pump the pool onto the neighbor's yard.

Lucking closed the public hearing.

Motion by Lucking to approve the request based on the recommendation, findings, and conditions of staff. Motion was seconded by Steingas. Motion carried 5-0.

3d. Consider variance and conditional use permit request of Michael and Colleen Kroening to encroach into the front yard setback, exceed the maximum permitted impervious surface area, exceed the maximum above grade building volume, and regrade portions of the front yard in order to replace a detached garage with an attached garage addition to the house at 5260 Meadville Street.

—Section 1120.15 of the Greenwood Zoning Code requires a front yard setback of 30 feet. Section 1120.15 limits the maximum impervious surface area on the property to 32.76%. Section 1140.18 (Subd. 3) defines the above grade building volume limitations for the property. Section 1140.19 (2) requires a conditional use permit for any grading or site/lot topography alteration request involving more than 200 square feet of surface area, or involving more than 7 cubic yards of material.

Lucking introduced the agenda item and opened the public hearing.

David Steingas recused himself from the request. Steingas, builder for the property owners, said that the applicants would like to replace the 1 car garage and tuck-under garage with a two-car garage that would be at the current elevation of the street. He said the tuck-under garage creates water problems. Steingas said that they are reducing hardcover and moving the garage back from the street. He said that the proposal would exceed the volume requirements for the property but that the small lot size is a practical difficulty.

Gallagher asked about the height of the garage relative to the height of the new house. Steingas said that they are changing the pitch of the house and the garage would be 22 feet to the midpoint and that it is shorter than the house.

Lucking asked if there was any way to meet the volume requirements. Steingas said that they would have to lose the room over the garage and that the cottage style 12/12 pitched roof would have to become a shallower pitch.

Cooney asked if the new roof pitch would also change the volume of the existing house. Steingas said that it would add volume.

Lucking asked about the area serving the current tuck-under garage. Steingas said that would be filled in and a sidewalk would be added.

Gallagher asked if that would help with the water problem for that area. Steingas said it would help.

Lucking asked about lowering the pitch to reduce volume. Steingas said that they would likely lose the bonus room but was not sure about the overall volume.

Gallagher said that it is a small lot. Lucking said that it is the largest home on the small lots in this area.

Cooney said that the zoning code gives a greater building volume allowance for small lot houses. Lucking said that the building volume allowance increased in the last few years from 5 times the lot size to 6 times the lot size.

Steingas said that most of the basement level of the house is exposed which takes up a lot of the volume area.

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Colin Sievers of 5270 Meadville Street said that he just bought his property next door. He said that he is right on the property line. He said that he has no complaints about the proposal. He asked if the setbacks were changed recently. Steingas said that the setbacks were modified based on lot width for narrower lots. He said he would probably do something for his house in the next couple of years.

Barta said that he was not sure about the request. He said that he was sure it would look good.

Gallagher said that she was concerned about a precedent for a building volume variance.

Barta said that the volume calculation was changed not that long ago and that at some point there has to be a line drawn.

Lucking said that he would like the volume to come down and that they might have to get rid of the room over the garage. He said that the exposed lower level is a good argument for some flexibility, but likely not 7,000 cubic feet.

Barta asked Steingas if he has a plan B. Steingas said that he did not but that he would be open to a conversation with the city about what might be workable.

Michael Kroening, applicant, said that this is their plan B. He said that they are improving the property in several ways by reducing the hardcover and the setbacks. He said that the basement level is exposed. Kroening said that changing the roofline is an improvement aesthetically for the neighborhood. He said that the room over the garage is only an 8 foot ceiling.

Lucking asked if the neighbor would have a different opinion of the changes if the sunlight were being blocked from the south. Kroening said that they are not blocking sunlight. Lucking said it was just a hypothetical question that demonstrates how the planning commission has to think about these issues now and going forward for other neighbors.

Lucking closed the public hearing.

Lucking said that he might be more amenable to a volume variance if the city had not recently increased the allowable volume. Lucking made a motion to approve the CUP request and setback and impervious surface variance requests as proposed, and to deny the building volume variance request. Lucking's motion included that the city council should consider some flexibility to the allowable volume on this property since the lower level is almost completely exposed.

Nelson said that she was not as concerned with the building volume issue due to the basement and the improved look of the house.

Lucking said that it is hard to claim a practical difficulty for aesthetic modifications such as a cottage style roof pitch.

Barta said that the exposed lower level might allow for some leniency that could be a practical difficulty. Cooney said that an exposed lower level is a walkout level and that usually considered a desirable amenity, not a drawback to be overcome.

Gallagher said that she was okay with the proposal but not the building volume.

Barta seconded Lucking's motion. Motion carried 4-0.

4. NEW BUSINESS

Lucking asked about the zoning ordinance. Cooney said that it was similar to what was reviewed previously by the planning commission, and included a sliding scale for hardcover and an

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average lot width. He said that the ordinance was likely more fair in many respects but also more complicated.

Cooney said that the grading ordinance has gone through a first reading with changes still taking place. He said that, as proposed, the changes would be less restrictive than the existing ordinance, but not as forgiving as what the planning commission recommended.

Steingas said that he is working with the city council to consider pervious pavers as a means to help provide a mitigation option to properties that exceed hardcover.

5. LIAISON REPORT

Cooney noted that the planning applications from October were passed by the city council on the consent agenda.

6. ADJOURN

Motion by Steingas to adjourn the meeting. Nelson seconded the motion. Motion carried 4-0. The meeting was adjourned at 8:33 p.m.

Respectively Submitted,
Dale Cooney - Zoning Administrator