

1. CALL TO ORDER/ROLL CALL

Chairman Lucking called the meeting to order at 7:01 p.m.

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

Others Present: Council Liaison Kristi Conrad and Zoning Administrator Dale Cooney

Absent: Commissioner David Steingas

2. MINUTES – December 12, 2018

Motion by Gallagher to approve the minutes as written. Motion was seconded by Nelson. Motion carried 4-0.

3. PUBLIC HEARINGS

3a. Consider variance requests of Roland and Rane Jacobus to encroach into the south side and front yard setbacks, exceed the maximum permitted impervious surface area, exceed the maximum permitted construction-related tree removal in conjunction with the construction of an attached garage at 5290 Meadville Street.— Section 1120.15 of the Greenwood Zoning Code requires side yard setbacks of 8 feet for the 40 foot wide lot, and a front yard setback of 30 feet. Section 1120.15 of the Greenwood Zoning Code limits the impervious area for a property of this size to 33.9%. Section 1140.80 of the Greenwood Zoning Code regulates tree removal and replacement.

Lucking introduced the agenda item and opened the public hearing.

Ranee Jacobus, applicant, said that the house was previously approved. She said that she looked at all options for the garage and the best option was to move the garage back from the right-of-way and attach it to the house. She said that the garage is simply an extension of the previously approved side yard setback. She said that there is a minor front yard encroachment due to the angle of the front property line. Jacobus said that in the discussion with the city council about attaching the garage, they were aware and seemed comfortable with the idea that the hardcover would go up from what was originally proposed. Regarding the trees, Jacobus said that there are only two significant trees on the property. She said that the trees in the front are natural growth and that there is no way to avoid taking down those trees. She said that most of the trees in the lake yard are noxious and that she will be replanting this area. Jacobus said that the garage will be a benefit to public safety, congestion, and aesthetics.

Lucking closed the public hearing. He agreed that this request was good for public safety.

Barta asked if the square footage of the house is changing. Jacobus said that the only square footage change is above the garage. She said that that was an aesthetic decision since it would look strange to have only a two car garage poking out the front of the house.

Lucking said that the previous hardcover calculation was deceiving since it did not count the area of the garage that is in the public right-of-way.

Motion by Barta to recommend approval of the request based on the recommendation and findings of staff. Motion was seconded by Nelson. Motion carried 4-0.

3b. Consider the conditional use permit and variance requests of Todd and Amy Wilkinson for 21800 Byron Circle to regrade the lake yard areas of the property — Section 1140.19 (2) of the

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City Zoning Code requires a conditional use permit for any the grading or site/lot topography alteration request that increases or decreases the average grade (existing compared to final conditions) by more than 1 foot in any 300 square foot area. Section 1176.04 of the zoning code regulates the placement of structures within the Shoreland Management District, the bluff, and the bluff impact zone.

Lucking introduced the agenda item and opened the public hearing.

Luke Busker, builder for the property owners, said that they have photographed the hillside to show existing conditions. He said that they have a photo showing the proposed walls. He said that they are not building any new walls, and that the hillside is eroding. Busker said that there are several different types of walls on the property and that they would like to replace the walls with a consistent material. He said that they would also like to remove a large, leaning oak tree overhanging the shore area. Busker said that they would place outcroppings to stabilize the bluff in the area where the tree is gone. He said the owner does not want a bunch of new walls.

Gallagher said that the rendering seems to show more walls. Busker said that there are several stone walls that are collapsed or hard to see in the photos. He said that he would be doing as little retaining as possible. He said he would use more outcroppings to stabilize the slope, which are large stones that will have the grade naturally come around the stones. He said that they would heavily replant the hillside and use naturally occurring plants.

Barta said that he has worked as an arborist in the past so that he sees the need to remove the large tree. Busker said that they only want to access the hillside one time and that they should do the tree now. He said it would be expensive and invasive to do it later.

Lucking asked what the DNR rules are on the removal of the tree in the shoreland area. Cooney said the DNR would not regulate removal of the specific tree and that the city code requirements are adequate.

Cooney said that he walked the site with Mr. Busker and the City Engineer, Bob Bean. Cooney said that Bean's recommendation is to support areas of the hillside with a mesh grid that would be invisible and less structural in nature than retaining walls. Cooney said that this is somewhat different than the proposed plan that would rebuild failed walls and add some new outcroppings. Cooney said that the City Engineer would prefer something that had the character of a more natural state for the bluff.

Busker said that he would be happy to use an erosion mat in those areas that are appropriate and he would incorporate those recommendations into his project. He said that the mats don't work in all cases and that outcropping would need to be used there. Busker said that the 40% slope of the hill in some areas would not work with the erosion mat. He said that outcroppings are not walls, but are large single stones used to stabilize the hillside.

Conrad said that she sees five walls in the rendering. Busker said that there is a large amount of stone on the hillside where the failed water feature is which is the hatched blue area on the site plan. He said that he would do mostly outcroppings in this area, not walls. He said that the rendering is a little deceptive in that the outcroppings would not look like continuous walls and would be separated by large natural gaps. Busker said that they do not want the hillside to look like a bunch of walls.

Barta said that the hillside is steep and that there is a lot of erosion in this area. He said that timing is essential since rain can cause real problems once the project has started. Barta said that the outcroppings are some of the best things to hold the hill.

Busker said that he cannot think of a better way to hold a hill than outcroppings. He said that once they are gone they do not want the hill to fail. Busker said that they would like to minimize

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the amount of stone. He said that he will eliminate as many outcroppings as he can. He said some of that cannot be known until he is out there building it. Busker said that they need to move forward as early in the spring as they can.

Lucking closed the public hearing.

Nelson said that it looks like an improvement.

Barta said that he goes by this area a lot and that something needs to be done. He said he thinks the plan is great. He said that they are trying to keep it as natural as they can, but they need to stop the erosion.

Conrad said they she would like to know more about the bioengineered solution. Busker said that he would show an example.

Gallagher said that she did not know about outcroppings scattered around. Busker said that because of the removal of the large tree, they need to support the hillside. He said that the canopy is roughly the size of the root system and that will rot away eventually and that something needs to be there to support the hillside when it does. He said he would minimize the outcroppings but would need them in places.

Gallagher said that he was not sure a mesh grid is more natural than stone. Busker said that outcroppings will look natural to the hill rather than a retaining wall. He said that the stone is a glacial stone that will last forever unlike a cheap limestone.

Barta said that plantings sometimes struggle getting established in the grid system. Busker said that the mesh system is only good at certain grades and that the hillside will dictate where is appropriate.

Motion by Lucking to approve the plan based on the recommendation and findings of staff with the condition that the erosion grid will be used where practical. Motion was seconded by Barta. Motion carried 4-0.

3c. Consider revisions to Tree Ordinance, Section 1140.80 of the Greenwood Zoning Code.

Lucking introduced the item and opened the public hearing. Hearing no public comments, Lucking closed the public hearing.

Lucking said that he supports the ordinance change since the homeowners could game the system by getting credit for smaller trees and then removing them later anyways.

Cooney said that it was also confusing as written for people just trying to do the right thing and comply with the ordinance.

Lucking made a motion to approve the ordinance amendment as written. Motion was seconded by Barta. Motion carried 4-0.

4. NEW BUSINESS

4a. Planning commission term expirations.

Cooney said that Chairman Lucking has agreed to stay on for another 2 year term. Gallagher said that, due to family obligations, she will not be staying on for another 2 year term. Conrad noted that this would be Gallagher's last meeting.

5. LIAISON REPORT

No liaison report was presented.

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6. ADJOURN

Motion by Lucking to adjourn the meeting. Gallagher seconded the motion. Motion carried 4-0.
The meeting was adjourned at 7:51 p.m.

Respectively Submitted,
Dale Cooney - Zoning Administrator