

**GREENWOOD PLANNING COMMISSION
WEDNESDAY, AUGUST 17, 2011
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 Patrick Lucking and Commission members John Beal, Bill Cook, David Paeper and Douglas Reeder

Absent: Council Liaison Tom Fletcher and Commissioner Brian Malo

Others Present: City Attorney Mark Kelly and Zoning Administrator Gus Karpas.

Due to the absence of Commissioner Malo, Commissioner Reeder was a voting member of the Commission.

2. APPROVE AGENDA

Commissioner Paeper moved to accept the agenda for tonight's meeting. Commissioner Beal seconded the motion. Motion carried 5-0.

3. MINUTES OF July 20, 2011.

Commissioner Beal moved to approve the minutes of July 20, 2011. Commissioner Cook seconded the motion. Motion carried 4-0-1. Commissioner Paeper abstained.

4. LIAISON REPORT

There was no liaison report.

5. PUBLIC HEARINGS

VARIANCE - Gregg and Kristin Ostrander - 21520 Fairview Street – R-1A – Request to re-construct and reconfigure a lakeside deck which would encroach into the minimum required lake yard setback and exceed the maximum permitted impervious surface area.

Section 1120:15 of the Zoning Ordinance requires a lake yard setback of fifty feet as measure from the ordinary high water level. The applicants propose a lake yard setback of forty-three feet. The proposal requires a variance of seven feet of the required lake yard setback.

Section 1174.04(3)(a) of the Shoreland ordinance permits a maximum impervious surface area of 30%. The applicants propose an impervious surface area of 35.3%. The applicants seek a variance to exceed the maximum permitted impervious surface area by 5.3%.

Chairman Lucking noted the proposed deck was replacing a deck that was previously granted a variance by the city when it was initially constructed. He said if the applicant was re-constructing the deck within the existing footprint it wouldn't need city approval. He said, as proposed, the applicant is reducing the current encroachment into the required lake yard setback.

Commissioner Beal said he had no problem with the applicants rebuilding the rotting deck. He discussed the impervious area contained within the common driveway stating if that area was removed from the calculation, the property would be in compliance with the ordinance requirements. He said in terms of the setback, the property contains a seawall that was constructed a number of years ago by a previous owner which alters the natural shoreline, creating the need for a variance. He has no objection to the request.

Chairman Lucking opened the public hearing.

GREENWOOD PLANNING COMMISSION
WEDNESDAY, AUGUST 17, 2011
7:00 P.M.

Steve Kleineman, representing the applicant, informed the Commission that the applicants were out of town but he was able to answer any questions that would clarify the request.

Hearing no further public comment, the public hearing was closed.

Motion by Commissioner Cook to recommend the City Council approve the variance requests by Gregg and Kristin Ostrander to re-construct and reconfigure a lakeside deck which would encroach seven feet into the fifty foot minimum required lake yard setback and exceed the maximum permitted impervious surface area by 5.3%, as presented for 21520 Fairview Street. Beal seconded the motion. Motion carried 5-0.

Ordinance Amendment – Public hearing on the amendment of Zoning Ordinance to reflect changes in State Statutes as it pertains to the granting of variances.

Chairman Lucking explained the proposed amendment incorporates the language changes adopted by the State Legislature for the granting of variances and has been approved by the City Attorney.

Chairman Lucking opened the public hearing. Hearing no public comment, the public hearing was closed.

Motion by Commissioner Beal to recommend the City Council adopt ordinance 196, amending Section 1155 of the zoning code to incorporate language from the state statutes for the granting of variances using the practical difficulty standard. Cook seconded the motion. Motion carried 5-0.

6. OTHER BUSINESS

Ordinance Amendment – Discuss amendment of Zoning Ordinance to amend the use status for Restaurant and General Office uses in the C-2 District.

Zoning Coordinator Karpas said the proposed amendment would move Restaurant uses to a conditional use and move General Office uses to a permitted use. This would give the city the ability to more closely scrutinize requests for restaurants since they are the more intensive use.

Commissioner Beal questioned if the current regulations were sufficient enough to regulate general office uses as a principal use. City Attorney Kelly said the Commission could review the regulations and defer a decision on acting on the amendment.

Chairman Lucking said one of the reasons for the proposed amendment has to do with the recent commercial structure approved for the Carlson site. Even though Mr. Carlson said he would come back to the city in the event a new restaurant would be located on the site, under the current ordinance he would not have to.

Commissioner Paeper asked why both uses couldn't be conditional uses. City Attorney Kelly said they could since the conditional use process gives the city greater authority over a use. He said the Commission may want to review the current conditions for general office uses.

Commissioner Paeper asked about the future use of the Old Log Theatre property. City Attorney Kelly said the property is currently zoned residential and that the city may want to consider creating a Planned Unit Development for future development on the site.

The Planning Commission directed staff to research potential changes for the C-2 district in terms of regulating general office uses.

GREENWOOD PLANNING COMMISSION
WEDNESDAY, AUGUST 17, 2011
7:00 P.M.

Ordinance Amendment – Discuss amendment of Zoning Ordinance to clarify the definition of a “front yard” and include a visual depiction of the definition.

Zoning Coordinator Karpas said the Council would like the Planning Commission to consider a clarification in the code, including a diagram for the definition of front yard.

Chairman Lucking said he supported the proposed amendment but would like to see stronger language for properties that have their front doors facing an interior lot line. He feels in a case like that, the setback should be increased from the property line.

Commissioner Beal said the issue with the existing and proposed ordinance is the fact that Greenwood is not a city of rectangles.

City Attorney Kelly said “option B”, referring to the diagram included in the packet, is the way the current ordinance has been enforced. Commissioner Beal said he was under the impression that the issue was raised due to boat parking in front yards. Mr. Kelly said that was a different issue and the Commission should focus on the proposed amendment of the definition and the inclusion of a diagram in the code book.

Commissioner Reeder, speaking to Chairman Lucking’s concerns, asked when in the case there is a “front” door facing an interior lot line, what would the required street side setback be. Zoning Coordinator Karpas said it would remain the same and the lot would be treated as a corner lot, depending how the ordinance language is drafted.

City Attorney Kelly said he would work with staff to tweak the proposed language and bring it back to the Commission.

The Planning Commission directed staff to schedule a public hearing for their September meeting.

7. ADJOURN

Motion by Commissioner Beal to adjourn the meeting. Commissioner Cook seconded the motion. The meeting was adjourned at 7:27 p.m.

Respectively Submitted
Gus Karpas - Zoning Administrator