

**GREENWOOD PLANNING COMMISSION
WEDNESDAY, FEBRUARY 21, 2018
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, Commissioners Lake Bechtell, Jennifer Gallagher, Doug Reeder (arrived at 7:05), and David Steingas

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

Absent: Fiona Sayer

2. MINUTES – December 20, 2017

Commissioner Steingas moved to approve the minutes of December 20, 2017 as written. Commissioner Bechtell seconded the motion. Motion carried 4-0.

3. PUBLIC HEARINGS

3a. Public hearing to consider preliminary plat application (subdivision) request of Kyle Hunt & Partners, consultant for the homeowners, to reconfigure the property lines for the properties at 5135, 5125, and 5115 Weeks Road.

Chairman Lucking introduced the agenda item. Reeder recused himself and stepped away from the dais.

Cooney summarized the staff report. He said that Kyle Hunt & Partners is working with the property owners to reconfigure the property lines for the properties at 5135 (Reut), 5125 (Packard), and 5115 (Reeder) Weeks Road. He said that no additional lots are proposed as a part of this request. Cooney noted that subdivisions are regulated by Chapter 6 of the city code.

Cooney said that the applicant has submitted a survey with the proposed lot reconfiguration. He said that the lot line has been drawn to allow for the existing Reut house to remain in place after the subdivision and that the Reeder house is proposed to be removed as part of the subdivision process. Cooney said that the Packard lot will receive a sliver of land (Outlot A) that will make the property more conforming in several ways.

Cooney said that the lots exceed minimum required lot area. He noted that, per the subdivision code: *“At least 2 sides of all lots shall each be at least 100 feet in length. Lots shall be at least 100 feet wide abutting either the street or the lake. Lot lines shall not be drawn in irregular shapes for the purpose of circumventing this requirement”* and said that the proposed lots meet these requirements. Cooney said that the lots exceed lot depth requirements. He said that the lots exceed lot width requirements as measured at the building setback line, per code, however, the Reut and Reeder lots narrow slightly towards the interior of the lot becoming as narrow as an estimated 73 feet wide in places. Cooney noted that, based on these standards, neither lot is further subdividable.

Cooney said that the subdivision code requires that *“All lots shall abut on a publicly dedicated or private street.”* He said that the proposed lots would meet this requirement while also eliminating an existing access easement on the Reeder lot.

He said that, as proposed, both properties are meet the required 30% impervious surface area limitation and that the Reut lot will remove existing hardcover to achieve this percentage.

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Cooney said that the Reut lot has a legal nonconforming west side yard setback which is not impacted by the subdivision proposal and that there is also a legal nonconforming shed that encroaches into the lake yard setback that is not impacted by the subdivision proposal.

He said that both the house and the garage on the proposed Reeder lot will be rendered nonconforming by the subdivision and will need to be removed as condition of approval.

Cooney said that the applicant is proposing to remove a portion of the existing legal nonconforming deck that crosses the proposed boundaries between the parcels to meet secondary accessory structure setback standards. He said that, while the existing deck is nonconforming, in staff's opinion, it seems somewhat punitive to require the removal of the deck beyond meeting side yard setback standards.

Cooney said that the proposed grading for Parcel 2 is hypothetical. But, as proposed, the grading would require a conditional use permit. Cooney said that it was his opinion that it would be not be practical to create a buildable lot for Parcel 2 without a conditional use permit.

Cooney said that park dedication land or fees are typically required during the subdivision process when additional lots are created that would generate additional demands on the city's park system and the fee or dedication must bear a rough proportionality to the need created by the proposed subdivision or development. He said that since no additional lots are being created, park dedication fees do not apply in this particular application.

Cooney said that as with administering the zoning code, the city may also permit variances as part of the subdivision standards.

Cooney said that he recommends approval with conditions of the request subject to the following conditions prior to the recording of final plat:

- (a) For Lot 1 (the Reut lot) applicant shall remove the hardcover areas as shown in the submitted survey in order to bring the property in compliance with the 30% impervious surface limitation for the property; and
- (b) For Lot 2 (the Reeder lot) applicant shall remove the principal structure, the primary accessory structure; the deck areas, and the driveway areas as shown in the submitted survey; and
- (c) The building proposal for Lot 2 is preliminary, and approval only involves the general acceptability of the layout. Subsequent approval to determine conformance with city codes will be required prior to the issuance of building permit for the property.
- (d) The access easement over Lot 1, benefitting Lot two shall be vacated.
- (e) Outlot A shall be accreted onto 5125 Weeks Road.
- (f) The Final Plat of the subdivision shall be recorded with the county registrar of deeds or registrar of titles within 30 days of city approval.

Cooney concluded his staff report.

Lucking opened the public hearing.

Lucking said that if the property meets the 100 foot lakeshore requirement, it would not need the 100 foot road requirement. Cooney said that was correct.

Bechtell said that this was a vast improvement over existing conditions.

Conrad asked about the narrowing of Lot 2 to 73 feet. Cooney said that it was near the existing detached garage.

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Kyle Hunt, applicant, asked Cooney to confirm the ordinance requirement. Cooney said that the ordinance says the lot must meet the minimum lot width at the building setback line. Cooney said that it could be interpreted that it needs to maintain that width beyond that point, or that it only needs to meet the width at that point.

Steingas said that this was a vast improvement and thanked the neighbors for working together.

Bechtell asked about Outlot A. Hunt said that the outlot would be given to the property owners at 5125 Weeks and would make their house and garage conforming for the west side setback.

Lucking closed the public hearing.

Lucking said that he thought the proposal was a vast improvement.

Motion by Steingas to approve the request as proposed and subject to the conditions proposed by staff. Motion was seconded by Gallagher. Motion carried 4-0.

Public Hearing to consider Ordinance No. 275 amending Greenwood ordinance zoning code Section 1140.17 regarding stormwater management maintenance agreements

Lucking introduced the agenda item.

Lucking opened the public hearing. Hearing no public comments, Lucking closed the public hearing.

Cooney said that the current ordinance required a conditional use permit for stormwater mitigation systems that would need a maintenance agreement. Cooney said that he would like to be able to provide a maintenance agreement administratively. He said that the agreement would be recorded against the property.

Motion by Bechtell to recommend adoption of the ordinance as written. Motion was seconded by Bechtell. Motion carried 5-0.

Public Hearing for the City of Greenwood's draft Comprehensive Plan Update

Lucking introduced the agenda item.

Conrad said that she and Mayor Kind made the major edits to the plan.

Steingas asked about the historic nature of the Old Log Theater buildings. Conrad said that they were not considered historic, but only "local treasures".

Reeder asked about the projections for population loss. Lucking said that he does see a lot of property owners in their eighty's. Cooney said that this is a nationwide trend and not just specific to Greenwood that the population is aging and that family sizes are getting smaller.

Lucking opened the public hearing. Hearing no public comments, Lucking closed the public hearing.

Motion to approve the draft comprehensive plan as written. Motion was seconded by Bechtell. Motion carried 5-0.

4. OTHER BUSINESS

Planning Commission Term Expirations

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Lucking introduced the agenda item.

Cooney said that there are four expiring terms and that Steingas and Reeder expressed a willingness to stay on the commission. He said that Bechtell and Sayer would be stepping down from the commission. He said that, with two commissioners leaving, the planning commission will be reduced to four regular members.

5. LIAISON REPORT

Conrad presented the liaison report. She said that there is some activity surrounding possibly redeveloping Georgetown Manor. Lucking said that the neighborhood message board mentioned that there was some potential interest in the property. Bechtell said he thought the property was a CUP. Cooney said that he assumed that the property was a legal nonconformity but that he would check the records.

6. ADJOURN

Motion by Bechtell to adjourn the meeting. Gallagher seconded the motion. Motion carried 5-0. The meeting was adjourned at 7:49 p.m.

Respectively Submitted,
Dale Cooney - Zoning Administrator