

**1. CALL TO ORDER/ROLL CALL**

Chairman Lucking called the meeting to order at 7:00 p.m.

Members Present: Chairman Lucking and Commission members John Beal, David Paeper, Douglas Reeder, and Bill Cook

Absent: Brian Malo

Others Present: City Attorney Mark Kelly, Council Liaison Tom Fletcher

**2. OATH OF OFFICE**

City Attorney Kelly administered the Oath of Office to Commissioners Patrick Lucking, and Douglas Reeder. Each accepted the oath to perform the duties of planning commissioner.

**3. APPROVE AGENDA**

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

**4. MINUTES OF FEBRUARY 16, 2011.**

Commissioner Paeper moved to approve the minutes of February 16, 2011. Commissioner Beal seconded the motion. Motion carried 5-0.

**5. LIAISON REPORT**

Council Liaison Fletcher updated the Commission regarding council's discussion relating to properties with multiple front yards. The City will determine the side yard. The Council made no change from the Planning Commission's recommendation.

Council Liaison Fletcher reported that the Council approved an ordinance prohibiting the depositing of snow on city streets and prohibiting overnight parking on city streets after two inches of snow fall.

Council Liaison Fletcher also reported on the improvements discussed for the tennis and basketball courts. Fletcher stated that there were no appeals to property market values. St. Albans Bay is listed to be treated for milfoil.

**6. PUBLIC HEARINGS**

**Conditional Use Permit and Site Plan Review, 21900 Minnetonka Boulevard, (C-2, 10,000)**  
Request by Kent Carlson to demolish the existing commercial structure which formally housed the Boathouse Restaurant and construct a new 10,300 square foot office building in its place.

Section 1135.20 of the zoning ordinance states; No building permit will be issued for improvements within the C-2 district until a site plan has been reviewed by the Planning Commission and approved by the City Council.

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Section 1135.05(3) of the zoning ordinance lists General Offices as a Conditional Principal Use.

Chairman Lucking opened the hearing to consider a site plan review and an amendment to the current Conditional Use Permit, for 21900 Minnetonka Boulevard, (C-2, 10,000)

Chairman Lucking presented that staff report, noting that the applicant is requesting to demolish the existing mixed use commercial building and construct a new commercial office building. The applicant would like the option for a future restaurant tenant, with the understanding that it would require a further amendment of the conditional use permit.

Chairman Lucking stated that the site plan submitted for review must contain certain criteria as outlined in Section 1135.20 of the zoning code. The existing multi use structure is two stories with an overall height of 24 feet and a footprint area of 5,218 square feet. The applicant is proposing a two story building with an overall height of 28 feet and a footprint of 5,772 square feet. Greenwood Ordinance allows a structure height of 30 feet. The proposed structure of 28 feet would be four feet higher than the existing structure. The staff report delineated the structure setback limitations. Chairman Lucking stated that the proposed structure exceeds the minimum setback restrictions for front, side and lake yards. The allowable impervious coverage is 75%. The proposed plan increases the impervious surface to 58.7%, an increase of .5% (approximately 525 square feet) from the existing coverage. No variances are being sought or required for the proposed new structure.

Chairman Lucking accepted comments from the floor.

Mr. Jeff Schmitt, 21957 Minnetonka Boulevard, unit 16, (St. Albans Bay Villas) stated that he resides across street from the proposed structure. The Villas have the most impact from the proposed commercial building. Mr. Schmitt asked for clarification of the request and whether it included restaurant space.

Chairman Lucking stated that the request before the planning commission is only for office space. The applicant would like the option for a future restaurant, but would need to apply for a conditional use permit to make future changes.

Mr. Schmitt stated that he conducted an informal canvass of the residents of the Villas and the majority of the residents support a commercial office space. The overall concern amongst the residents of the Villas is that a restaurant at the site would increase noise levels, traffic and produce cooking odors. The office space is a benign use and would essentially be dark in the evenings. Mr. Schmitt noted that the increased building height would affect the westerly views of the eight units on the third floor.

Mr. Schmitt stated that he toured the neighborhood and observed that the properties in the Villas would have the greatest impact. Homes located to the south have their views blocked by the existing office building, which is shorter than the proposed building. The proposed building would not appear to alter or obstruct the views of the home adjacent to the Villas on the south side. The homes located on the hill have an obstructed view from a residential garage. Byron Circle properties have views to the south and already have restricted views to the west from heavy vegetation and tall trees. Mr. Schmitt stated that the proposed building is architecturally and aesthetically pleasing and supports the proposal if the use is limited to office space.

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Ms. Debra Antone, 21957 Minnetonka Boulevard, unit 19, (St. Albans Bay Villas) stated that not all residents in the Villas are aware of the proposal and requested that the Commission postpone a decision until all residents can review the request.

Ms. Antone stated that the proposed building will impact the units that have big water views. The homes on Byron Circle have views that would be affected by the proposed building. Ms. Antone distributed a photo of the big water views from the Villas overlooking Excelsior Bay (big water) and stated that the increased building height would affect views of the lake and sunsets. Most villas have porches on both sides allowing for big water views. Ms. Antone also expressed concern with the available parking space and distributed photos of vehicles and watercraft parked in the lot. Ms. Antone does not believe that there would be adequate parking for a restaurant. Ms. Antone stated that Greenwood's mission statement is to promote a small town lifestyle and small buildings.

Ms. Susan Kobic, 4716 Golf Terrace, Edina, addressed the Commission stating that she is a realtor and a frequent boater on Lake Minnetonka. In her professional opinion, the proposed building will have a dramatic impact on the Villas and the sunset views that exist now. Ms. Kobic also requested that the Commission postpone any decision until all the information is given to the residents in a proper manner. Ms. Kobic stated that the parking is an issue with the existing building and would be an issue with the proposed building. Sunset views are an asset to the Villa units. She added the four foot structure height of the proposed building and the mechanics on top of building would diminish the views and values.

Mr. Bill Slattery, 21955 Minnetonka Boulevard, unit 5, (St. Albans Bay Villas) stated that he has a second and third floor unit but cannot see over the building roof. He agreed that the sunset will be impacted several minutes earlier with the proposed new roof height. The residents in the Villas were given notice in February of the proposed building. Mr. Carlson emailed drawings to residents in Villas. Mr. Slattery stated that he does not believe a restaurant would be successful, given the history of the previous four restaurants. The consensus is support for an office space only. Mr. Slattery agreed that parking would be an issue for any restaurant.

Mr. Kent Carlson, owner/applicant, addressed the issues that were raised. Mr. Carlson stated that not many stalls are required for boat slip customers. There are eight transient slips for parking for boats that need repairs. The proposed building is not a traditional suburban office space. It is designed as a low density space for tenants with low foot traffic. The proposed building height is 28 feet with a parapet wall to screen the mechanicals located on the roof. The building was designed with concrete planking and a concrete roof to reduce the need for roof joists and further minimize the height.

In answer to Commissioner Beal's question about the comments from the RLK planner Steve Schwanke regarding the use for office space or a restaurant, Mr. Carlson stated that the request is for office space only at this time. There is no restaurant on the table.

Mr. Carlson stated that there are no plans to start construction until the space is 50% leased. The lease agreements would be for a 10 year period. They have been approached by persons interested in a restaurant, but have not found one compatible.

Commissioner Reeder asked whether the water and sewer facilities in the proposed building could accommodate a future restaurant.

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Mr. Carlson stated that city water exists and believes the sizing would accommodate a restaurant.

Commissioner Beal stated that the height complies with City Ordinance requirements and should be measured to the top of the parapet which should conceal any equipment.

Mr. Carlson stated the signage is similar to the monument sign on the building and all lighting will be down cast on the sign

Attorney Kelly stated that the original conditional use permit had specific signage specifications.

Commissioner Reeder asked why the height needed to be 28 feet.

Mr. Carlson stated that the original structure was built in 1946 as a boat sales yard. The second floor ceiling height is 7'6", and not enough room for traditional mechanical equipment and sprinkler system. Also in today's market renters want nine-foot ceilings.

Mr. Schmitt asked if the lowest level could be lowered three feet by excavating.

Mr. Carlson Bill stated that code requires the lowest floor level be three-feet above the ordinary high water level (OHWL) and lot is already close to the OHWL.

Mr. Carlson stated that stormwater plan was reviewed by the Minnehaha Creek Watershed District and the City Engineer. The site has an excess capacity for stormwater storage.

Ms. Mary Mcnaught, 21957 Minnetonka Boulevard, (St. Albans Bay Villas) stated that she just returned from traveling and although had received an email, could not visualize the proposed project. Ms. Mcnaught requested that the Commission table the decision until all Villa residents have a chance to review the plans.

Commissioner Beal stated that the City is under a timeline to make decisions on zoning applications.

Chairman Lucking closed the public comments portion of the hearing at 8:29 PM.

Commissioner Beal asked that the recommendation require that the height be measured according to the code and include the roof equipment [HVAC].

Chair Lucking suggested that the Council review the original conditional use permit regarding signage and restrict the allowable signage to that of the original conditional use permit. Chair Lucking suggested that all mechanicals be kept below the roof parapet.

Motion by Commissioner Beal to recommend the City Council approve the conditional use permit to demolish the existing commercial structure which formally housed the Boathouse Restaurant and construct a new 10,300 square foot office building in its place for office use, changing from a restaurant to office use only, and the building height be restricted to Greenwood's definition, limiting the height to 28 feet to include all structures on the roof (appliances and maintenance equipment). Also the signage in the agreement is specific to the original conditional use permit signage. Cook seconded the motion. Motion carried 5-0.

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Attorney Kelly stated that by modifying the existing Conditional Use Permit, the applicant is abandoning the restaurant use and would need to reapply for a permit to seek a future restaurant.

**7. ADJOURN**

Motion by Commissioner Beal to adjourn the meeting. Commissioner Paeper seconded the motion. The meeting was adjourned at 8:44 p.m.

Respectively Submitted  
Shelley Souers, Recording Secretary