

**GREENWOOD PLANNING COMMISSION  
WEDNESDAY, SEPTEMBER 17, 2008  
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 Lucking and Commission members John Beal, Tom Fletcher, David Paeper, H. Kelsey Page, Todd Palmberg and Mark Spiers

Absent: None

Others Present: Council Liaison Jeff Sagal, City Attorney Mark Kelly and Zoning Coordinator Gus Karpas.

**2. APPROVE AGENDA**

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

**3. MINUTES OF August 20<sup>th</sup>.**

Commissioner Beal moved to approve the minutes of August 20<sup>th</sup>. Commissioner Page seconded the motion. Motion carried 5-0.

**4. LIAISON REPORT**

Council Liaison Sagal said the Council reviewed and approved the variance request, per the Planning Commission's recommendation, from the Met Council. He said the Council held the second reading of the Massing ordinance and passed it as written without any changes to the height provisions, which they felt could be handled at a later date. He said the Council has asked that the Commission review the existing tree ordinance and determine if there are any changes that are necessary.

**5. PUBLIC HEARINGS**

**CONDITIONAL USE PERMIT - St. Alban's Boathouse, 21960 Minnetonka Boulevard, (C-2) Lake Recreational**, request for a conditional use permit to replace the existing temporary signage on the property with new permanent signage.

The proposal is place a forty-four square foot roof sign located on the south portion of the building. The sign would be down lit, with a maroon background and white lettering reading "Castaways." The existing signage on the building was approved as part of a previous conditional use permit when the property was redeveloped. At that time, the applicant was granted an allowable sign area of 18 square feet on the structure.

Chairman Lucking summarized the request and opened the public hearing.

**GREENWOOD PLANNING COMMISSION**  
**WEDNESDAY, SEPTEMBER 17, 2008**  
**7:00 P.M.**

Peter Benincasa, Operations Manager for the Boathouse Restaurant, said the request was to replace the existing, inadequate signage with a new roof sign to help patrons locate the restaurant. He said the bulk of the restaurant's customers come from the south and have trouble finding it. He said tree growth has covered the existing signage on the south side of the building, making it virtually invisible to drivers until they have already passed the site.

Jeff Schmidt, 21957 Minnetonka Boulevard, Apartment 16, said he is a member of the St. Alban's Villas Board and is appearing on behalf of the Board to express their unanimous opposition to the proposed signage. He said they feel the sign is too large, offensive in appearance and inconsistent with the building and the neighborhood. They feel the sign would be intrusive and in the direct line of sight of a number of their condos. He noted that the Boathouse structure is not parallel with the condo buildings, giving a number of units full view of the east and south sides of the building.

Mr. Schmidt said he doesn't believe the sign would attract customers, especially those coming from the north that would not see the sign. He feels the restaurant should work with the existing signage, including the one on the monument sign, to make it more visible.

Chairman Lucking asked what the tenants felt about the existing signage. Mr. Schmidt said he hasn't heard any complaints about any negative impact on their condos. Lucking commented that the existing name on the monument sign would be shortened, which would require less lettering, allowing for larger letters and better visibility. Commissioner Page commented about the size of the sign for the Villas and asked about its illumination. Mr. Schmidt said there is some lighting on the sign, but not flood lighting as proposed for the Boathouse sign. Page asked if there would be any objection to a sign on the south side of the building, down lit from the soffit. Mr. Schmidt said he personally wouldn't have any issue with it, but he couldn't speak for the other tenants. Page asked if there have been any objections raised about the parking lot lighting. Mr. Schmidt said he's really never noticed it.

Zoning Coordinator Karpas said he also received correspondence from Mitch Stover, who also lives in the Villas and from T. White, both expressing their objections to the proposed signage.

Mr. Benincasa said he would like to address a couple of Mr. Schmidt's points. He said he got on the roof with the sign contractor and shot lasers towards the condos and determined the sign would not be in the direct view of any of the condos. He said the proposal is for a flat sign that faces the parking lot and Excelsior Bay. He said the proposed illumination would not extend more than five feet from the sign and that the colors were picked because they easily show up and draws attention. He reiterated that the bulk of the restaurant's business comes from Highway 7.

Mr. Benincasa said the restaurant has improved the menu selections and the quality of the food served and has heard a number of comments from customers that they didn't know

**GREENWOOD PLANNING COMMISSION**  
**WEDNESDAY, SEPTEMBER 17, 2008**  
**7:00 P.M.**

the business existed. He said the request for the sign is an economic issue for the restaurant. He doesn't believe the sign would be visible to the neighbors and noted that the Old Log Theatre property is well lit and doesn't understand why their site has to be so dark. He noted that the majority of exterior lighting is provided by forty and sixty watt bulbs. He said he would be more sympathetic with the neighbors if he believed they would see the sign.

Chairman Lucking asked if a similar sign, with similar colors, down lit from the soffits would be sufficient to meet the Boathouse's needs. Mr. Benincasa said it wouldn't help since customers wouldn't see the sign until it's too late. He also disagrees that alterations to the monument sign would be adequate since most drivers would be able to read it in time.

Mr. Schmidt discussed photographs submitted by one of the condo's residents showing that at least one unit had views of the south side of the building from three different windows. He said his unit can see the entire east and south sides of the building. Commissioner Page asked if Mr. Schmidt could see any lighting from the Bayview Center of Maynard's. Mr. Schmidt said he could not. Page asked if Mr. Schmidt felt he had a legal right to a view. Mr. Schmidt said he didn't believe so.

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

Commissioner Beal said he had been in contact with the Bayview Center and Maynard's regarding their signage. He said he was told that Bayview Center didn't have a lit sign on Excelsior Bay because the City of Excelsior wouldn't allow it and that Maynard's didn't have one, but haven't sought one. He said he would be uncomfortable with the City of Greenwood being the first one to allow lit signage on Excelsior Bay. He believes the proposed signage would also impact various condo developments in the City of Excelsior.

Commissioner Paeper noted that the signage on the site was tightly controlled and regulated when the property was developed and hasn't seen a compelling reason to deviate from what was approved for the site.

Commissioner Page believes there is an issue locating the site noting a number of occasions when he has seen motorists stop and seek directions to the site in question and also the Old Log Theatre. He said there has been a change in the sign ordinance since the development of the site, noting that the proposed signage would be in compliance. He said the request is to increase the amount of signage, but not to exceed the permitted amount. He feels the request meets the criteria for a conditional use permits since the use is desirable and that it is in the interest of the community to have a successful business on the site. He feels that the idea that the lighting would be harmful to Excelsior Bay is ludicrous, noting that even though Bayview and Maynard's may not have lit signage on the bay, they do have massive amounts of other types of lighting that shine into the bay. He said it is disingenuous to say that the proposed lighting would take from the neighborhood, when there is already a lit monument sign on the site and at the Villas.

**GREENWOOD PLANNING COMMISSION**  
**WEDNESDAY, SEPTEMBER 17, 2008**  
**7:00 P.M.**

Commissioner Page agrees with the applicant regarding the foliage growth which has grown to the point where the existing signage is not visible until you have already passed the entrance. He feels the restaurant is an amenity to the community and is not detrimental the public health, safety or general welfare of the community. He noted that the property in which the Villas were constructed used to house boat storage and contained much more lighting. He said the subject structure has existed for many years and has been run as a restaurant. He also agreed with the applicant that the majority of their customer base is coming from Highway 7 and is routed over the bridge from Excelsior. He said the customers are past the building before they know what's going on. He believes a lit sign is necessary and is in favor of the request.

Commissioner Beal suggested that the signage could be relocated elsewhere on the building, but noted there would still be issues seeing it. He said the problem lies in the need for better directional signage off site. Commissioner Page agreed that all the businesses would benefit from better directional signage. Council Liaison Sagal said the issue goes back to when they redesigned the Highway 7 intersection in Excelsior and temporarily routed traffic through Christmas Lake Road. Once it was completed, they removed all the directional signage assuming that motorists would exit into Excelsior and back track to Minnetonka Boulevard.

Commissioner Page said the old tenant of the building, the Bel Air Club, had one whole side of the building painted as a sign, making it difficult to miss. He believes the current signage is an impediment to the type of business that being operated on the site.

Commissioner Fletcher agreed with Beal that the City of Greenwood should not be the first to allow lit signs on Excelsior Bay. He suggested that the monument may need to be made larger to permit proper identification of the site.

Commissioner Spiers said he is sensitive to the Association's concerns. He said there is a seasonality associated with signage, since the proposed signage would not always be visible during the summer months. Spiers also commented on the array of temporary signage on the building and believes they need to be brought into compliance with the new sign ordinance. He said when he's been on the site that he's had difficulty finding parking and questioned the wisdom of attracting additional traffic to the site. He said he would be more supportive of a request for wall signage that was down lit from the soffit.

Commissioner Palmberg said the applicant has not presented any compelling data that signage would improve the business. He said the condo association brought in visual evidence of the impact to them, but the applicant has not done so in support of the request. He said he has only heard opposition from residents, no support. He doesn't believe there is a benefit to the city by approving the signage.

Chairman Lucking said he drove the route a number of times from Highway 7 to the subject property and said the complex wasn't visible until you hit the top of the bridge from Excelsior. Even then, you're seeing the multi-tenant commercial structure and not

**GREENWOOD PLANNING COMMISSION**

**WEDNESDAY, SEPTEMBER 17, 2008**

**7:00 P.M.**

the restaurant. He doesn't believe the signage would help since it would only be visible briefly through the trees and not give anyone time to mentally respond before they pass the entrance. He feels the same sign in the location of the east side sign would be more beneficial.

Mr. Benincasa said the summer months are already the busiest time for the restaurant. He said there is a need to attract customers during the fall and winter. He said if they are unable to attract business during these months, the restaurant will "go under." He said the restaurant itself is not visible, but the proposed sign would be. He doesn't believe changing the name on the monument sign would help since you wouldn't see it until you're past the site. He said they are asking the city to help them attract customers, so the restaurant becomes an asset for the city. He doesn't agree there is a parking issue on the site. Mr. Benincasa specifically stated that the restaurant has never had a shortage of parking.

Commissioner Palmberg questioned if poor signage was the only reason the restaurant is struggling. Mr. Benincasa said it is. He said without the sign to promote the location, customers can't locate it. Chairman Lucking asked if the website could change its directions to state that the location is the first left turn off the bridge from Excelsior. Mr. Benincasa said the majority of their customers don't call for directions. He said the area is pretty dark and doesn't believe a lit sign would be offensive to the surrounding neighborhood. Lucking noted that the sign is visible from the Villa's parking lot and a number of the condos.

Council Liaison Sagal asked how the Association would feel if a similar sign was located on the east side of the building and down lit from the soffit. Mr. Schmidt said both the east and south sides are visible from his condo. Sagal noted that most of the condos have views on both sides and questioned how much time occupants actually spend viewing Excelsior Bay. Mr. Schmidt said he could not speak for the other residents, but he spends approximately the same amount of time viewing both bays since he has a study facing Minnetonka Boulevard. Sagal asked if the Association was open to a compromise that benefits both sides. Mr. Schmidt said he was willing to bring any proposal back to the Board for them to discuss. He said the Board doesn't want the Boathouse to go out of business. He said a sign located on the east wall would not impede any views of the bay for the condos.

Commissioner Page noted that the original proposal, though in error, indicated the sign would be on the east side of the building and said the Commission heard greater opposition to that plan.

Chairman Lucking discussed the options available to the applicant for continuance of the application. Commissioner Spiers asked about the Commission's ability to make a recommendation to the Council with an amendment to the submitted application. City Attorney Kelly said the Commission could recommend an amendment to the Council.

**GREENWOOD PLANNING COMMISSION**  
**WEDNESDAY, SEPTEMBER 17, 2008**  
**7:00 P.M.**

Commissioner Spiers said he was not on the Planning Commission when the Conditional Use Permit for this development was granted. He questioned the amount of signage approved for the business, noting the existing signage on the site already exceeds the approved amount. He felt it was important to note that if not for the granted Conditional Use Permit, the proposed signage is less than half of what is permitted by ordinance. He would be supportive of a wall sign that was down lit from the soffit.

**Action:**

Motion by Commissioner Spiers to recommend that the City Council approve the request to amend the existing conditional use permit to allow up to forty-four square feet sign positioned on the south wall, where the existing sign is located. The sign can only be down lit from the soffit and illuminated only during business hours. The motion is conditioned that all temporary signage must be brought into compliance with current ordinance requirements. It is noted in the motion that the existing signage is not being addressed, only the requested signage, as presented at 21960 Minnetonka Boulevard. Commissioner Page seconded the motion for discussion.

Commissioner Page clarified that the motion was to allow a wall sign up to forty-four square feet, along with the existing signage on the building. Commissioner Spiers said the request is to locate a new sign on the south side of the building; it does not address the existing, permanent signs already in place on the other facades. His motion is to permit those other permanent signs to remain, along with the proposed signage since, taken as a whole, the sign area still is below the sign area permitted by the current sign ordinance.

Chairman Lucking called the question. Upon roll call vote on the motion to approve the signage as moved by Commissioner Spiers and seconded by Commissioner Page, Commissioners Beal, Page and Spiers voted aye. Commissioners Lucking and Paeper voted nay. The motion carried 3-2.

The Chairman called a recess at 8:20. The meeting reconvened at 8:25.

**VARIANCE/CONDITIONAL USE REQUEST – Robert Schmitt, 21550 State Highway 7, (C-1, 20,000)**, request to construct a new single story, multi-tenant commercial structure which would exceed the maximum permitted impervious surface area, include signage that would exceed the maximum permitted sign area and would have access onto a road adjacent to residentially zoned property. The proposed impervious surface area would exceed the maximum permitted impervious surface area of 30% by approximately fifty-six percent and the proposed sign area would exceed the allowable sign area by one hundred and seventy-five square feet.

Chairman Lucking summarized the request and opened the public hearing.

Bob Schmitt presented the request. He said he is looking to construct a multiple use building which would require variance for impervious surface and signage and requires a conditional use permit to permit access to Excelsior Boulevard. He said the requested

**GREENWOOD PLANNING COMMISSION**  
**WEDNESDAY, SEPTEMBER 17, 2008**  
**7:00 P.M.**

variances and conditional use is necessary to make the project work financially. He said the existing billboards on the site will be removed, removing over eight hundred and sixty square feet of signage. He hoped that this would enable him to seek additional signage for the property and his structure. He said the request to exceed the impervious surface standards is necessary since the city has minimal parking requirements for commercial uses. Finally, he said the request for a conditional use would allow him to access Excelsior Boulevard rather than pushing traffic onto the frontage road which has poor access to surrounding streets. He said he is proposing to plant arborvitae along the north property line to shield headlights from the adjacent residential properties.

The Planning Commission discussed the city's parking requirement, noting this requirement necessitates the degree of variance required in terms of hardcover. The discussion centered on whether the property needed the amount of parking shown, even though going below that number would require a variance. Commissioner Paeper noted that the proposed building is maximized, even though it's about half the size of what is permitted. He said the size of the building drives the need for additional parking, thus reducing the amount of greenspace on the property. Commissioner Fletcher doesn't believe the site needs the amount of spaces shown and commented that a commercial real estate friend of his said the size of a commercial building determines the success of a project and that the proposed building wasn't excessive.

Commissioner Spiers said the applicant's calculation of ten percent public space seems a bit generous. Commissioner Page asked the significance of that. Spiers said that public space does not count in calculating parking spaces, meaning if that percentage was lower, there would be more spaces needed.

Zoning Coordinator Karpas said that retail uses require a conditional use permit, so one option could be to limit the percentage of the building that could be used for retail, therefore reducing the number of spaces. For example a fifty percent maximum retail requirement would remove ten spaces from the site.

The Commission discussed the layout of the building and the number of potential tenants. Commissioner Fletcher noted that even though the plan shows eight potential tenants, the four units located in the rear would be unleaseable since there are no windows or signage.

Commissioner Spiers asked about the need for grading on the west side of the property. He said it appears a number of spots are built over an area of property that drops off. Mr. Schmitt said he's unsure exactly what grading is being done.

Commissioner Paeper asked if a drainage plan had been done for the property. He said he has some reservations acting on the site plan without a drainage plan since alterations to the site plan would impact the drainage. Commissioner Fletcher said he spoke with the Minnehaha Creek Watershed District regarding the project and they informed him that a permit would also be necessary from them.

**GREENWOOD PLANNING COMMISSION**  
**WEDNESDAY, SEPTEMBER 17, 2008**  
**7:00 P.M.**

Council Liaison Sagal said the Council told the applicant that he was supposed to supply a drainage plan for the Commission's review since it was a critical component of the overall project. Chairman Lucking asked if the drainage could go into the pond west of the property. Sagal said no, since it was developed to handle the water coming from the expansion of Highway 7.

The Commission discussed how to address the multiple components of the request. It was determined that the entire request would be handled in one motion.

The Commission discussed the proposed signage. Commissioner Spiers said the applicant's willingness to remove the billboards on the property should be acknowledged. He likes the proposed location of the signage on the building since it faces Highway 7 and has no negative impact on any residential property. He did question whether the property should be served by a monument sign.

Commissioner Lucking said it would be tough to get enough tenant information on a multi-tenant monument sign. Commissioner Beal noted that the proposed signage would average about sixty square feet per tenant, which falls within the provisions of the sign ordinance.

Commissioner Fletcher said his discussion with his commercial real estate friend included the proposed signage. He said his friend questioned why there wasn't a monument sign on the site since it would be necessary to catch attention from motorists on Highway 7. He agrees and feels the city needs to be realistic about the signage needs now instead of dealing with a future request for additional signage. Mr. Schmitt said he would like a monument sign, but didn't want to push it.

Chairman Lucking said the city could approve a seventy-five square foot monument sign, which would leave plenty of sign area remaining to properly identify tenants on the building. Commissioner Beal agreed that approval could be given for a total sign area, allowing the applicant to determine his needs. Commissioner Page suggested granting additional sign area to ensure an adequate monument sign. Beal disagreed saying the Commission should act on the sign area requested.

Commissioner Paeper said any motion on the signage should be conditioned that any signage on the building is restricted to only the south side of the building, facing Highway 7. He said the area of signage should be defined regardless if monument sign is constructed.

Commissioner Page expressed his support for the total request and outlined the ways in which the applicant has met the criteria for the variances requests and conditional use request.

**Action:**

Motion by Commissioner Page to recommend that the City Council approve the conditional use request to permit access onto a road adjacent to residentially zoned

**GREENWOOD PLANNING COMMISSION**  
**WEDNESDAY, SEPTEMBER 17, 2008**  
**7:00 P.M.**

property. The request meets the criteria in that the proposed use is necessary and desirable to the community, the proposal contributes to the general welfare of the community and the proposed use would not be detrimental the health, safety and general welfare of the surrounding area. The motion is conditioned that the applicant install an arborvitae barrier along the south side of Excelsior Boulevard to shield the parking area from the adjacent residential properties. Page motioned that the Council approve the variance request to exceed maximum permitted impervious surface area by fifty-five percent, the applicant has demonstrated an undue hardship in the uniqueness of the use which requires additional hardcover in the form of parking, the proposed variance would not alter the essential character of the neighborhood and the request would clean up the property. Page motioned that the Council approve the variance request to exceed the maximum permitted sign area by one hundred and seventy-five square feet, permitting a total of two hundred and fifty square feet of signage on the site, exclusive of directional and handicapped parking signs. A hardship has been demonstrated in the use of the property fronting on Highway 7 and the need to advertise tenants. It is noted that the applicant has removed a significant area of signage with the removal of the billboards on the property. The applicant has demonstrated the need to exceed the permitted sign area due to the multi-tenant use of the building and the proposed signage is less than what currently exists on the site. The requested variance would not alter the essential character of the neighborhood. The motion is conditions that all signage be limited to the south side of the building facing Highway 7. Commissioner Beal seconded the motion.

Commissioner Paeper asked for further discussion on the requested conditional use permit. He's concerned the proposed access is located in an area where vehicle headlights would shine into adjacent residential properties. He noted the proposed access point is the only area along the stretch of the property where the grade is the same on both sides of the road. He feels a condition should be added to the motion to move the access point to the east to a point where the headlights would not impact adjoining residential properties.

The Planning Commission agreed and Commissioner Page accepted the condition as an amendment to his motion.

Commissioner Spiers discussed his concern about the removal of trees along the west portion of the property. He suggested that a condition be added to the variance hardcover that the project comply with the city's tree ordinance. Commissioner Page accepted the condition as an amendment to his motion.

Chairman Lucking called the question. Upon roll call vote on the amended motion to recommend approval of the variance to exceed the maximum permitted impervious surface, the variance to exceed the maximum permitted sign area and the conditional use request to permit access onto Excelsior Boulevard. Commissioners Beal, Lucking, Paeper, Page and Spiers voted aye. There were no nay votes. The motion carried 5-0.

**6. OTHER BUSINESS**

**GREENWOOD PLANNING COMMISSION**  
**WEDNESDAY, SEPTEMBER 17, 2008**  
**7:00 P.M.**

**ORDINANCE AMENDMENT** – Discuss amendment of Section 1140:80; Tree Preservation.

Chairman Lucking summarized the request by the Council. He noted that the City Attorney said the original request that there be no charge for the Conditional Use request to remove trees may not be legal. City Attorney Kelly noted that in order to apply the same legal standard to a request, you must charge the same fee.

Commissioner Page said there are other issues such as how to assess the size of a tree after its been removed needs to be addressed. Zoning Coordinator Karpas said he has other issues, such as the replanting schedule, that he feels needs to be addressed.

It was agreed that the City Attorney and Zoning Coordinator would work on some proposed amendments and bring the issue back to the Commission.

**ZONING DOCUMENT** – Review document drafted by Commissioner Fletcher outlining basic zoning guidelines for the city to be distributed to residents.

The Commission agreed the concept was good and they would review the document and let staff know of any changes.

**7. PLANNING COMMISSION LIAISON**

Commissioner Page will serve as the Planning Commission Liaison at the October 7<sup>th</sup> City Council meeting.

**8. ADJOURN**

Motion by Commissioner Beal to adjourn the meeting. Commissioner Paeper seconded the motion. The meeting was adjourned at 9:50 p.m.

Respectively Submitted  
Gus Karpas - Zoning Coordinator