



AGENDA

Greenwood City Council Worksession

Tuesday, November 12, 2013
20225 Cottagewood Road, Deephaven, MN 55331

*The purpose of the worksession is for the city council to gather input from interested parties.
The city council cannot take official action at worksessions.*

TOPIC: ORDINANCE 222, AMEND GREENWOOD ZONING CODE CHAPTER 11 TO ADD SECTION 1123 R-1C SINGLE-FAMILY RESIDENTIAL DISTRICT, ADD RELATED DEFINITIONS TO CHAPTER 12, AND AMEND SECTION 1150.20 REGARDING CONDITIONAL USES

- 4:00pm 1. CALL TO ORDER ~ ROLL CALL ~ APPROVE AGENDA
- 4:00pm 2. BRIEF OVERVIEW
- (a) When reviewing the R-1A Single-Family Residential District for adoption of ordinance 216 related to home occupations, the city council decided it was not appropriate to list "Theater" as a conditional use in the entire R-1A, so the council removed "Theater" from the list of conditional uses when that ordinance was approved.
 - (b) With the passage of the home occupations ordinance, the old Old Log now is a "legal nonconforming use." Which means the Old Log's structures can be maintained, but they cannot be expanded. The owners cannot even add 1 foot onto a building, because they cannot apply for a conditional use permit (CUP) or a variance unless "Theater" is listed as a use in the zoning district where the Old Log resides.
 - (c) Since it never was the city council's intention to take away the CUP option for the Old Log, the council directed the creation of ordinance 222 (attached) to establish an R-1C district with the same rules for the property that were in place when it was purchased.
 - (d) The ordinance also updates the definition of "Theater" to reflect historic uses.
 - (e) The ordinance also adds "operational" items to the list of examples of conditions that may be imposed on a CUP if the new owners apply for a CUP (which they cannot do until the new ordinance is approved).
 - (f) The Old Log predates the city's ordinances, so a CUP never has been issued to the property.
 - (g) Change of ownership is not a trigger that requires a CUP application.
- 4:05pm 3. WHEN IS THE OLD LOG REQUIRED TO APPLY FOR A CONDITIONAL USE PERMIT?
See attached concept by Councilman Bill Cook
- 4:10pm 4. DISCUSS OLD LOG NEIGHBORS' CONCERNS
See attached "Concern Overview" and spreadsheet
- 5:15pm 5. ADJOURNMENT

ORDINANCE NO. 222

**AN ORDINANCE OF THE CITY OF GREENWOOD, MINNESOTA
AMENDING GREENWOOD ZONING CODE CHAPTER 11 TO ADD SECTION 1123
R-1C SINGLE-FAMILY RESIDENTIAL DISTRICT, ADD RELATED DEFINITIONS TO CHAPTER 12,
AND AMEND SECTION 1150.20 REGARDING CONDITIONAL USES**

THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA DOES ORDAIN:

SECTION 1.

Greenwood ordinance code section 1102 definition of "Theater" is amended to read as follows:

"Theater with Attached Restaurant means a venue for live plays and other dramatic performances that may be supported by a restaurant with an on-site licensed commercial kitchen facility used exclusively for the delivery of sit-down food service to the general public on site and may be licensed for on-sale of intoxicating liquor, but shall not be licensed for off-sale liquor sales. This facility also may sponsor public or private events.

(THIS DEFINITION ALSO APPEARS IN CHAPTER 12). "

SECTION 2.

Greenwood ordinance code section 1205 is amended to add the following definitions:

"Theater with Attached Restaurant means a venue for live plays and other dramatic performances that may be supported by a restaurant with an on-site licensed commercial kitchen facility used exclusively for the delivery of sit-down food service to the general public on site and may be licensed for on-sale of intoxicating liquor, but shall not be licensed for off-sale liquor sales. This facility also may sponsor public or private events.

(THIS DEFINITION ALSO APPEARS IN CHAPTER 11)."

SECTION 3.

Greenwood ordinance code section 1115.00 is amended to add the following zoning district:

"R-1C Single-Family Residential"

SECTION 4.

Greenwood zoning district map in section 1115 shall be revised to designate the following properties as the R-1C district:

PID# 2611723310028

PID# 2611723310036

SECTION 5.

Greenwood ordinance code chapter 11 is amended to add the following new section 1123:

"SECTION 1123. R-1C SINGLE FAMILY RESIDENTIAL DISTRICT.

Section 1123.00. Purpose.

The intent of this district is to provide a zone for low-density single-family dwellings and a theater with attached restaurant that:

1. Encourages the historical operation of a privately-owned, live, onstage theater with a supporting restaurant,
2. Provides the flexibility to address changing business conditions,
3. Is compatible with the residential community that surrounds and eventually may be included in the district.

Section 1123.05. Permitted Uses.

No building shall be used or shall hereafter be erected, altered or converted in any manner, except as provided in section 1123 et seq. Permitted uses shall be:

Subd. 1. Principal Uses.

- (a) Single-family detached dwellings, excluding the leasing or renting of rooms.
- (b) Open area, parks and playgrounds owned and operated by a public agency, or by a home association for a subdivision or neighborhood.
- (c) Residential subdivisions, including streets, lighting and water service.
- (d) Uses mandated in state statutes as permitted uses.

Subd. 2. Accessory Uses.

- (a) Private garages.

- (b) Tool house, sheds and similar storage areas for domestic supplies.
- (c) Privately-owned swimming pools for the use and convenience of the resident and their guests.
- (d) Off-street parking.
- (e) Commonly accepted playground equipment and park shelter buildings.
- (f) Home occupations as regulated by section 480.
- (g) Signs as regulated in section 1140 et seq.

Subd. 3. Conditional Uses.

- (a) Public utilities, including such items as electrical distribution stations or any such similar structure located above ground.
- (b) Theater with attached restaurant.
- (c) Uses mandated in state statutes as conditional uses.

Section 1123.10. R-1C Lot Dimensions.

The following required lot area, width, depth, and lot coverage regulations shall be considered as minimum standards for buildings:

	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Ft.)	Minimum Lot Depth (Ft.)	Maximum Lot Coverage
Single Family	Same as R-1A	Same as R-1A	Same as R-1A	As permitted by shoreland management district ordinance, section 1176
Theater with Attached Restaurant	4 acres	600	600	

Section 1123.15. R-1C Setbacks.

Subject to the provisions of section 1176 et seq., the following front side and rear yard setbacks shall be considered as minimum standards for buildings:

Land Use	Front Yard** (ft.)	Lot, Interior - Side Yard (ft.)	Exterior Side Yard (ft.)	Rear Yard (ft.)
Single-Family Principal Structure	Same as R-1A	Same as R-1A	Same as R-1A	Same as R-1A
Municipal Park Equipment	Same as R-1A	Same as R-1A	Same as R-1A	Same as R-1A
Single-Family Accessory Structures	Same as R-1A	Same as R-1A	Same as R-1A	Same as R-1A
Theater with Attached Restaurant	50	50	50	50

** Lots that meet the definition of "Lot, Corner" shall not be required to provide more than 2 front yard setbacks per lot. The location of the 2 front yard setbacks on lots abutting 3 or more platted right-of-ways shall be at the discretion of the zoning administrator and the remaining yard shall meet the "Lot, Interior - Side Yard" setback requirement in the chart above.

Section 1123.20. R-1C Building Minimum Requirements.

Subd. 1. Principal structures in the R-1C district shall:

- (a) not exceed 28 feet in building height and 42 feet in structure height,
- (b) be of a minimum width of 25 feet,
- (c) have a minimum floor space of 800 square feet,
- (d) be supported by foundation walls and frost footings of 42 inches in depth or current state building code requirements whichever is greater,
- (e) meet all current standards of city building codes and appendices,
- (f) be served with a private garage and hard-surfaced (e.g. cement or blacktop) driveway to the public street.

Subd. 2. Accessory structures in the R-1C district shall:

- (a) be limited to 1 private garage, and 1 tool house shed or similar storage building per principal structure,
- (b) not exceed 15 feet in building height,
- (c) have a maximum combined floor space of all accessory structures on the lot of 1,000 square feet and in no event shall the accessory structures of private garage, tool house shed and similar storage buildings combined exceed 60% of the total at grade, main floor square footage of the principal structure,
- (d) meet all current standards of city building codes and appendices.

Section 1123.25. R-1C General Regulations.

Additional requirements for the R-1C district are set forth in section 1140 et seq. of this ordinance."

Greenwood ordinance code section 1150.20 subd. 2 is amended to read as follows:

"Subd. 2. The council may impose such conditions and safeguards upon the premises benefited by a conditional use permit as may be necessary to maintain compatibility with other properties in the neighborhood. Examples of conditions include, but are not limited to: controlling size and location of use, regulating ingress and egress, controlling traffic flow, regulating off-street parking and loading areas, location of utilities, berming, fencing, screening, landscaping, restricting hours of operation, controlling noise, controlling lighting, controlling odors, and compatibility of appearance. Violation of such conditions and safeguards, when made part of the terms under which the conditional use permit is granted, shall be deemed a violation of this ordinance and punishable under section 1180 et seq."

SECTION 7.

Effective Date. This ordinance shall be effective upon publication according to law.

Enacted by the city council of the city of Greenwood, Minnesota this ___ day of _____, 2013.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Gus E. Karpas, City Clerk

First reading: October 2, 2013

Second reading: _____, 2013

Publication: _____, 2013

**Old Log description of existing conditions
and changes in conditions that would require a conditional permit application**

1. Existing conditions
 - a. One of the longest continuous running theaters in the US
 - b. Morning, matinee, and evening performances throughout the year
 - i. Hours: 10am to 10pm
 - c. Events held periodically
 - i. Outdoor concerts / shows -- Hours: 10am to 10pm
 - ii. Indoor concerts / shows -- Hours: 10am to 10pm
 - iii. Business events -- Hours: 7am to 10pm
 - iv. Civic meetings (e.g. Rotary) -- Hours: 7am to 11pm
 - v. Weddings / Private Gatherings (outdoor and indoor) -- Hours: 10am to 1am
 - vi. Elections -- Hours: 7am to 8pm
 - d. Food service
 - i. Served to theater patrons inside theater building
 - ii. Served to public inside theater building
 - iii. Box lunch meals consumed on grounds
 - iv. Concessions served on grounds periodically for events listed in (c) above
 - v. Meal Service Hours: 7am to 10pm
 - e. Alcohol dispensed at bar inside of theater building
 - i. Alcohol served before and during performances
 - ii. Alcohol served during food service
 - iii. Alcohol served during periodic events listed in (c) above
 - iv. Alcohol consumed in theater building and on grounds
 - v. Alcohol Hours: 10am to 12midnight
 - f. Parking provided on-site for vehicles including busses for all of event attendees 95% of the time
2. Changes in conditions that would require a conditional use permit application
 - a. Changes in the existing conditions listed above
 - b. Addition of new buildings or structures
 - c. Demolition of existing structures
 - d. Increases in the volume of any building
 - e. An increase in code limited hardcover
 - f. Addition of patio dining area
 - g. Changes to the size and character of the wetlands
 - h. Changes that would increase or change the characteristics of storm water runoff from the property
 - i. Changes in hours of operation
 - j. Overflow parking required for more that 5% of the events
 - k. Change in signage
 - l. Outdoor lighting changes

Concern Overview

The following information reflects the input and concerns expressed by many residents of the neighborhood surrounding the Old Log Theater. Concerns expressed include:

- Definition of the Old Log
- Conditions of Use
- Enforcement

The task before the City Council was to create an ordinance allowing the Old Log to legally operate by creating an R-1C zone. To accomplish this task, the City Attorney and Zoning Coordinator both recommended the Planning Commission/City Council first define what the Old Log has been, and then determine what conditions need to be imposed moving forward.

The current definition of “theater” doesn’t adequately recognize what the Old Log has been, nor does the proposed definition in Ordinance 222:

Current Theater definition in Section 1150.20:

“Theater means a venue for plays, motion pictures, and other dramatic performances.”

Proposed Ordinance No. 222 definition:

“Theater with Attached Restaurant means a venue for live plays and other dramatic performances that may be supported by a restaurant with an on-site licensed commercial kitchen facility used exclusively for the delivery of sit-down food service to the general public on site and may be licensed for on-sale of intoxicating liquor, but shall not be licensed for off-sale liquor sales. This facility also may sponsor public or private events.”

Neighborhood recognized uses of the Old Log Theater include:

- The Old Log Theater has been a theater with a meal (optional) served in conjunction with a live theater performance.
- There were typically two showings during a theater run (not every day of the week):
 - 11 AM – 2 PM lunch/show
 - 6 PM – 10 PM dinner/show
 - Alcohol was served in conjunction with the evening theater performance.
 - Occasional daytime community/corporate events (a couple a year)
 - Polling place for Greenwood
- Uses that have not been typical at the Old Log Theater:
 - Stand-alone restaurant
 - Regular event center for public or private events

Possible Theater Definition recognizing past use:

“Theater with Attached Restaurant means a venue for live plays and other dramatic performances that may be supported by a restaurant with an on-site licensed commercial kitchen facility used exclusively for the delivery of sit-down food service to

theater-goers and may be licensed for on-sale of intoxicating liquor to theater-goers, but shall not be licensed for off-sale liquor sales.”

Resident Concerns/Conditions of Use for expanded/future operations at the Old Log Theater

Following are the neighborhood’s concerns as discussed at our recent neighborhood meeting. See the attached overview of how the Nuisance Ordinance addresses these concerns, and our questions. A further review of Chapter 11 Zoning Ordinance Section 1140 as it pertains to these concerns needs to be completed as well.

- a. Hours of operation
- b. Noise limits – indoor and outdoor
- c. Amplification – restricted to indoors
- d. Parking – post-show departure safety issues
- e. Deliveries – hours and location
- f. Garbage – days, hours and location
- g. Odors – no odors from restaurant or dumpsters beyond property line
- h. Alcohol activity – restricted to indoors
- i. Vehicle/bus idling – not allowed
- j. Fireworks – not allowed
- k. Outdoor fire pits – not allowed
- l. Signs – restrict expansion of current signage
- m. Lighting – in accord with lighting ordinance
- n. Security for private events – eliminate negative effect on neighborhood
- o. Environmental impacts – to be in accord with the Comprehensive Plan
- p. Enforcement of zoning code

The 2010 Greenwood Comprehensive Plan describes Greenwood as:

“The City of Greenwood is primarily a single-family, resident-owned community supporting the orderly development and redevelopment of our property. We are champions of the environment and believe in the preservation and conservation of natural resources (trees, green space, and wetlands). We believe development and redevelopment needs to show respect for and consideration of neighbors and neighborhoods. We encourage diversity. We believe in a balance between private property owners’ rights and the preferences of the neighboring properties.”

Specifically, we value three main points of the Comprehensive Plan as related to Ordinance No. 222:

1. Maintain the character of residential neighborhoods.
2. Manage commercial areas to be free of encroachments or undue impacts on adjacent residential areas.
3. Permit commercial developments which are beneficial to Greenwood’s residential community.

We look to the City Council to honor this commitment to Greenwood by framing an Ordinance that protects our city and its residents.

Old Log Proposed Conditions

Condition	Current Ordinance(s) Language	Concern With Language	Proposed Clarification
Noise	Section 900:00 Public Nuisance Prohibition: (A) Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public.	1) What is unreasonable ? 2) What is a considerable number ?	1) Define hours of operation 2) No outdoor music or amplification allowed 3) Indoor decibel limit 4) No outdoor dining/events
Noise	Section 900:15 Public Nuisances Affecting Peace and Safety: (f) Any person participating in any party or other gathering that causes the unreasonable disturbing of the peace, quiet or repose of another person.	1) What is unreasonable ? 2) Define peace & quiet ?	See above
Noise	Section 900:60 Noise Violations: (1) Any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety or welfare of any person, or precludes their enjoyment of property, or affects their property's value (this general prohibition is not limited by any specific restrictions provided in this ordinance.)	1) How are distinctly, loudly, unreasonably determined?	See above
Noise	Section 900:60 Noise Violations (6) No person shall, between the hours of 10:00 pm and 7:00 am , congregate because of or participate in any party or gathering of people from which noise emanates of a sufficient volume so as to disturb the peace, quiet or repose of persons residing in any residential area	1) Events past 10 pm will require departure of guests past 10 pm. How will this be managed to eliminate noise? 2) Workers on property	See above
Noise, Odors, Fumes	Chapter 11: Zoning Section 1140.55 Noise, Odors, Vibrations, Smoke, Fumes		
Amplification	Section 900:60 Noise Violations (7) The use or operation, or permitting the use or operation, of any radio receiving set, musical instrument, music device, paging system, machine or other device for producing or reproduction of sound in a distinctly and loudly audible manner so as to disturb the peace, quiet, and comfort of any person nearby.	Don't want any noise from events, restaurant etc to be heard in neighboring homes/yards.	No outdoor amplification and limit decibels for indoor amplification

Old Log Proposed Conditions

Outdoor Drinking	Section 900:10 Public Nuisances Affecting Morals & Decency: (H) Drinking or display of any beer, wine or intoxicating liquor is prohibited in or about all premises except the following: <i>premises properly licensed for sale...</i>	1) Do not support drinking outside of buildings	Restrict drinking to inside the building(s)
Parking	Section 900:15 Public Nuisances Affecting Peace and Safety: (j) Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk that causes large crowds or people to gather, <i>obstructing traffic</i> and the free use of the street or sidewalk.	1) Parking on two sides of the street restricts emergency vehicle access to the neighborhood	Restrict parking to one side of the street.
Parking	What reassurance do we have that future parking lot expansions will not adversely affect neighboring properties/wetlands	What restrictions exist for expansion of parking lot?	Potential location a concern
Parking/Dumpsters	Section 900:65 Nuisance Parking and Storage Declaration of Nuisance. The outside parking and storage on residentially zoned property of large numbers of vehicles and vehicles, materials, supplies, or equipment not customarily used for residential purposes in violation of the requirement set forth below is declared to be a public nuisance because it: (3) prevents the full use of residential streets for residential parking (5) decreases adjoining landowners' and occupants' use and enjoyment of their property and neighborhood (6) otherwise adversely affects property values and neighborhood patterns	1) Parking on two sides of the street limits access 2) Location of dumpsters	1) Restrict parking to one side of street 2) Define acceptable location and visual of dumpsters
Signs	Section 900:65 Nuisance Parking and Storage Declaration of Nuisance (see above) (4) introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited		Prohibit electric signs and define allowable sign size/location

Old Log Proposed Conditions

Deliveries/Garbage	Section 900:60 Noise Violations: (5) Any loud or excessive noise in the loading, unloading or unpacking of any vehicle.	1) What is loud or excessive ? 2) Consider wear & tear on roads and use of residents' tax levy for repairs and maintenance 3) Consider the route delivery vehicles, garbage trucks and employees take to access the Old Log as they currently go through a residential neighborhood with lots of children.	Define acceptable times, locations and routes for truck deliveries and garbage removal. Request smaller vehicles to protect roads.
Garbage	Section 910:60 Prohibited Activities Affecting Health/Property (g) Privy vaults and garbage cans which are not rodent-free or fly-tight, or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors. (j) Dense Smoke, noxious fumes, gas, soot, or cinders in unreasonable quantities.	1) Subjective terms: foul, disagreeable, noxious, unreasonable	1) Forbid use of outdoor wood-burning devices. 2) How to vent kitchen odors 3) Forbid use of fireworks/firecrackers
Bus Idling	Section 900:60 Noise Violations: (2) All obnoxious noises, motor vehicle or otherwise in violation of Minnesota statutes.	1) What is obnoxious ?	No bus idling allowed.
Lighting	Ordinance #173 & 1140.60 Subd. 3 – Does the lighting on the property meet defined requirements?		
Fires/Fire Pits	Chapter 11: Zoning Section 1140.55		Forbid use of fireworks/firecrackers
Environmental	Comprehensive plan related to Environmental Assets	Want to insure the wetlands are properly marked and protected	Evaluate environmental issues with reference to the Greenwood Comprehensive Plan 2010.

November 7, 2013

To the Greenwood City Council,

Not having been to many council meetings I was surprised how I enjoyed witnessing the local political process. I thank the Greenwood council for the friendly, expeditious, response to the neighborhood's request for more discussions before granting a zoning change for the Old Log Theater.

The concerns I've heard, and agree, all seem reasonable. As a long-term resident our family has enjoyed the considerate operation of the Old Log Theater. Through the years Don Stolz and family made sure the theater fit in well with the quiet residential nature of our community. I remember Joan Stolz had invited the neighborhood knitters to meet in the old log cabin just to knit together as they talked about whatever they talked about. What could be a better example of a commercial operation blending in harmony with the neighborhood?

Consequently one of our reasonable concerns. Will the new off-site owners have the on-site inclination to fit into the residential quietness of our community? I use the term, reasonable concern, since there have been a number of times the music volume coming from the Old Log have been uncomfortably invasive. If this is a forecast of the new owner's intent to maximize the restaurant activities, with the new zoning, it raises further reasonable concerns such as increased customer traffic, increased commercial truck delivery traffic with its potential safety problems, longer hours of operation coupled with the inevitable higher noise levels, along with longer hours of alcohol sales and the resulting consequences.

In talking with my neighbors it seems reasonable to request a written policy addressing these possible problems, along with the new owner's intentions going forward, so that we have a basis of agreement before offering a zoning change. Thank you again for scheduling an open forum at 4 PM November 12th where we can express our concerns.

Sincerely,

Joe Fronius, 5140 Meadville Street, Greenwood MN

City Council Members,

I am forwarding the attached neighborhood statement of intent, which you have already received to show my support for the document and the suggestions made therein.

I was present at one of the meetings where the issues of the ordinance were discussed and urge you to delay the vote on this topic until further planning can be executed among all parties affected.

I am a relatively recent transplant to Greenwood, having relocated my family here from Tampa in 2011. In considering locations to relocate, Greenwood stood out above Chanhassen, Eden Prairie and Minnetonka because it is such a pristine enclave. We enjoy the natural beauty, quiet peaceful streets and pristine neighborhood feel of Greenwood. We also enjoy the Old Log Theater, and have taken a number of opportunities to attend shows at the theater over the past 2 years. As a transplant from Tampa, one of the remarks we have made repeatedly is the quality of city planning and execution of zoning/ordinances that create idyllic neighborhoods as well as thoughtfully executed commercial and industrial properties.

In just the last few months however, we have noticed significant change that threatens the core reasons we selected Greenwood as our home:

- Traffic has increased significantly on the road bordering our home (Covington), including not only passenger vehicles, but a much greater volume of commercial truck traffic tending to the back side of the theater.
- It also appears the theater has opted to take down a number of trees bordering the Regional Trail, changing the appearance of the landscape as we walk the trail.
- On 2 occasions in the summer/fall noise from outdoor events at the theater has permeated our neighborhood, to the point that I clearly hear music from the Theater while sitting on my deck.

We are concerned that much greater change may be imminent (with either current or future owners) and that there is little protection provided in city ordinances to preserve our neighborhood.

We very much enjoy the Theater as a neighbor, and are not against change in how they operate. We want the owners to be successful, but also want the quality of our neighborhood to be preserved. The Ordinance proposed and the existing city codes & ordinances do not sufficiently define guidelines that will allow a framework for the theater, neighbors or the city itself to regulate operations going forward.

The fact that the prior theater ownership was such a considerate neighbor with regards to impact on the residents, cannot be used as an argument to pacify the neighborhood as we look forward. This is the juncture where the city needs to create sufficient guidelines and safeguards to protect both the commercial enterprise and the greater volume of residential property owners.

I am unable to attend the meeting this evening (although my wife and daughter will be present), but wanted to voice my opinion on what I see as a pivotal matter in the management of our city.

Thank you for your service and your attention to this matter.

Best regards,

Matt Gallagher & the Gallagher family or 5 in residence at:
21775 Fairview St.
Greenwood MN 55331
virtualgallagher@hotmail.com
<Statement_of_Intent.doc><ATT00001.html>

To: The Greenwood City Council

November 8, 2013

From: Jean Gray, 5180 Meadville Street, Greenwood

Subject: Old Log Theater

As an across the street neighbor of the OLT I have lived nearby since its founding in Harry Kuechle's horse barn in the 1940s. I am a good friend of Don Stolz, a frequent attendee of plays and have followed the fortunes of the theater over the years. Don was the consummate good neighbor providing meeting space at various times for the Excelsior Rotary Club, the Greenwood City Council, an election polling place and venue for civic events.

The theater as operated under Don minimally impacted my home with the possible exception of the noise from idling buses. In order to operate as the longest running legitimate Repertory Theater in the USA, Don put together a continuous stream of plays, corporate meetings, children's seasonal presentations, etc. The theater's restaurant was nearly invisible as a support element for the stage performances. Patrons loved to stroll down Meadville Street admiring the lake views and gardens. In short, the OLT fit nicely with our everyday life beside Lake Minnetonka.

Recognizing that the OLT is a business and to operate profitably must attract a steady stream of patrons, I appreciate that some upgrading of the building and restaurant are needed after these many years. I believe the Council should design the conditional use permit in such a way that theatrical and culinary activities are connected and effectively limited to the interior of the OLT.

There must be an existing model for limiting bus idling to the time needed to bring up the braking and air conditioning systems "just in time" for departure. Others can address the impact of heavy truck traffic on Covington Street better than I.

The restaurant should operate to support theater goers and its hours of operation limited accordingly. The Excelsior area is already brimming with full service restaurants with more on the way. For the OLT to compete would require major changes not compatible with the life style endorsed in the Council's vision of Greenwood.

What I am trying to say is preserve the ambience of the OLT as is, but leave room for improvements to enhance the patrons' experience at a profit to the owners. Thanks for your consideration.

Jean Gray