

Greenwood City Council Worksession Minutes

6:00 pm, Tuesday, December 4, 2013
Deephaven City Hall ~ 20225 Cottagewood Avenue ~ Deephaven, MN 55331

1. Call to Order/Roll Call/Approval Agenda

Mayor Kind called the meeting to order at 6:02 pm.

Councilmember present: Deb Kind, Bill Cook, Tom Fletcher, Bob Quam and Rob Roy
Others present: City Attorney Mark Kelly and City Clerk/Zoning Administrator Gus Karpas

Roy moved to approve the agenda. Second by Fletcher. Motion carried 5-0.

2. Discuss: Resolution 31-13 Findings Defining Past Uses of the Old Log Theater/2nd Reading Ordinance 222 R-1C Single-Family Residential District

Mayor Kind said the topic of tonight's meeting was to discuss ordinance 222, which would amend the Greenwood Zoning Code to add Section 1123, R-1C Single-Family Residential District, adding related definitions to Chapter 12 and amending Section 1150.20 regarding Conditional Uses. She said since the Council last discussed the proposed ordinance there had been some changes and asked City Attorney Kelly to briefly review them.

City Attorney Kelly summarized the changes noting the changes to the original ordinance included a change in definition of "Theater with Attached Restaurant" and a stratification of the setback table to separate residential uses from the theater with attached restaurant.

Kelly said some new sections were added including Section 1123.25 which would outline the lawful use or occupation of the land or premises. These were based on interviews with members of the Stolz family. He noted the ordinance referenced Resolution 31-13 that outlined the same "Authorized Existing Use" in Section 1123.25(2). He said if the Council were to adopt the ordinance with this section included, they would have to adopt Resolution 31-13 first.

Section 1123.30 was created to outline the events that would require a Conditional Use Permit, including a building permit to expand the existing structures, a request to increase the percentage of impervious surface area or any changes to the manner of uses outline in Section 1123.25(2). Kelly said if a Conditional Use Permit is required, Section 1123.35 outlines the building requirements, including architectural expectations, while Section 1123.40 lays out the Regulation and Imposition of Condition on Permitted Conditional Uses.

City Attorney Kelly discussed Resolution 31-13, reiterating it would have to be adopted prior to the adoption of Ordinance 222. He said the resolution states that the success of the Old Log is hoped for, but it cannot be assumed. Also, its continued operation as a theater cannot be presumed. So the city must plan accordingly, including the possibility of alternate business uses, requests to remodel, add, and expand buildings, or to intensify business activities in and about the Old Log and its campus, as well as potential abandonment of the Old Log as a business use.

Councilmember Cook noted the proposed definition permitted take-out food service, whereas the previous definition of restaurant did not. City Attorney Kelly said that proposed definition is consistent with the Restaurant definition in the C-2 district.

Councilmember Cook said the resolution makes it appear the city is granting the Old Log and operator's license in one paragraph and states it serves as a guide in another. City Attorney Kelly said the document is presented as a framework and the Council can amend it as they deem necessary. Cook said he would like the phrase "as of the adoption of this resolution" removed from the second sentence as a procedural point so as to not make it look like the city is granting an operator's license. The Council agreed to the change..

Councilmember Fletcher suggested that buses should remain off except during cold weather when they can idle as needed. Any reference to seasons should be removed. Fletcher felt the term "landscaped area" was too broad in describing the area that alcohol could be consumed.

Mayor Kind discussed the provision restricting amplified sound, noting the Stolz's indicated in their interviews that public address systems were occasionally used during some events. She felt this may need to be addressed.

Councilmember Quam expressed concern about what constituted landscaped area. If any mowed area was considered landscaped alcohol could be consumed on a large portion of the property. Quam discussed the use of tents for events and the impact they could have on the neighbors and wetlands.

Councilmember Fletcher said he didn't have an issue with alcohol being consumed within the theater building or veranda, but felt consumption in any other area should require approval from the city as part of the annual liquor license approval.

Mayor Kind said she'd like to address the comments submitted by residents in response to the resolution drafted by the City Attorney.

Julie Eklund, 5135 Meadville Street, asked if there could be a variation in the business hours with the theater and restaurant permitted longer business hours than special events and questioned the proposed hours which seem like an expansion of what currently exist. City Attorney Kelly said it would be difficult for the city to try and determine what type of use is going on at the theater to enforce what time it should be closing, thus there should be a uniform closing time.

Councilmember Fletcher said the Council does not want to micromanage the business and said that special events are most likely to cause the most disturbances to the neighborhood. That being the case, should there be more focus on that and less on the theater and restaurant. Ms. Eklund said the theater clears out after the show now, but if you have something for patrons to do after the show, they will remain on the property later.

Bob Newman, 5230 Meadville Street, said every car that leaves the Old Log property drives by his house. He said that even though the lights and noise are not necessarily unbearable, it's noticeable, but it's done usually by 10:30 and Greenwood becomes quiet again. If the city expands the business hours, Greenwood stays "open" later which would be a big change for the neighborhood.

The Council discussed tracking the percentage of business allocated to the theater/restaurant use and special events. City Attorney Kelly said he didn't anticipate a weekly monitoring of the property's use due to constraints of budget and staff. Bob Newman suggested having the default use, theater with attached restaurant, be the regular closing time and special events permitted the later hours. This would be easier to monitor.

The Council discussed deliveries and garbage pickup. Concern was raised about the condition of Covington Street and potential safety issues related to its use by food service delivery trucks. Karpas explained that the city could not prevent one property owner the right to use a public street, even if that street is narrow and not in the best condition. Greg Frankenfield, owner Old Log Theater, said he has directed his deliveries to be made to the front of the building and that his staff park in the front parking lot. Garbage pick-up will still be from the rear where the dumpsters are stored. He noted this should reduce the amount of traffic on Covington Street.

Mayor Kind noted that the discussion would be carried on to the public hearing on Ordinance 222 on the regular Council Agenda.

3. Adjournment

Quam moved to adjourn. Second by Roy. Meeting adjourned at 6:59 pm.

Respectfully submitted by Gus Karpas, City Clerk